

HOUSE OF REPRESENTATIVES—Tuesday, May 9, 1989

The House met at 12 noon.

The Reverend Dr. Ronald F. Christian, assistant to the bishop, Washington, DC, Metropolitan Synod, Evangelical Lutheran Church of America, offered the following prayer:

God of all mercy, and Father of all humankind. Look with gracious pity, we pray, on our efforts this day.

As individuals, may we encourage the neighbor in distress by our welcome greeting, may we comfort the sorrowing among us with our sympathetic concern, and may we befriend the lonely all around us as we express our sincere friendship.

And, as a nation, may we never fail to seek Your heavenly will, may we always want more to help than be helped, and may we constantly yearn for strength of character as much as might of sword.

Hear our prayer, O God and bless this day to our benefit and Your glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 101, not voting 59, as follows:

[Roll No. 44]

YEAS—274

Ackerman	Barnard	Bosco
Akaka	Bartlett	Boucher
Alexander	Bates	Boxer
Anderson	Bellenson	Brennan
Andrews	Bennett	Broomfield
Annunzio	Bereuter	Browder
Anthony	Berman	Brown (CA)
Applegate	Bevill	Bruce
Archer	Bilbray	Bryant
Atkins	Bonior	Byron
AuCoin	Borski	Callahan

Campbell (CA)	Houghton	Pickett
Campbell (CO)	Hoyer	Pickle
Cardin	Hubbard	Poshard
Carper	Huckaby	Price
Carr	Hughes	Pursell
Chandler	Hutto	Qullien
Chapman	Jenkins	Rahall
Clarke	Johnson (CT)	Rangel
Clement	Johnson (SD)	Ravenel
Coelho	Jones (GA)	Ray
Coleman (TX)	Jones (NC)	Regula
Collins	Jontz	Rinaldo
Combest	Kanjorski	Robinson
Conte	Kaptur	Rohrabacher
Cooper	Kasich	Rostenkowski
Costello	Kastenmeier	Rowland (GA)
Cox	Kennedy	Russo
Coyne	Kildee	Sabo
Crockett	Kleccka	Saiki
Darden	Kolter	Sangmeister
Davis	Kostmayer	Sarpalius
de la Garza	LaFalce	Savage
Derrick	Lantos	Sawyer
Dicks	Leath (TX)	Saxton
Dingell	Lehman (CA)	Scheuer
Dixon	Lehman (FL)	Schiff
Donnelly	Lent	Schneider
Dorgan (ND)	Levin (MI)	Schulze
Downey	Levine (CA)	Schumer
Duncan	Lewis (GA)	Sharp
Durbin	Lipinski	Shaw
Dwyer	Livingston	Shumway
Dymally	Lloyd	Shuster
Dyson	Long	Sisisky
Early	Lowey (NY)	Skaggs
Eckart	Markey	Skeen
Edwards (CA)	Matsui	Skelton
English	Mavroules	Slattey
Erdreich	Mazzoli	Slaughter (NY)
Espy	McCloskey	Smith (FL)
Evans	McCollum	Smith (IA)
Fascell	McDade	Smith (NE)
Fawell	McEwen	Smith (NJ)
Fazio	McHugh	Smith (VT)
Feighan	McMillen (MD)	Solarz
Fish	Meyers	Spratt
Flippo	Mfume	Staggers
Foglietta	Miller (CA)	Stallings
Foley	Miller (WA)	Stearns
Ford (MI)	Mineta	Stenholm
Ford (TN)	Moakley	Stokes
Frank	Mollohan	Studds
Frost	Montgomery	Swift
Gallo	Moody	Synar
Gejdenson	Morella	Tallon
Gephardt	Morrison (CT)	Tanner
Gilman	Morrison (WA)	Thomas (GA)
Gingrich	Mrazek	Torres
Glickman	Murtha	Towns
Gonzalez	Myers	Trafficant
Gordon	Nagle	Traxler
Gradison	Natcher	Unsoeld
Grant	Nelson	Valentine
Gray	Nielson	Vander Jagt
Green	Oakar	Vento
Guarini	Oberstar	Visclosky
Gunderson	Obey	Volkmer
Hall (OH)	Olin	Walgren
Hall (TX)	Ortiz	Watkins
Hamilton	Owens (UT)	Waxman
Hammerschmidt	Packard	Weiss
Harris	Pallone	Whitten
Hawkins	Panetta	Williams
Hayes (IL)	Parker	Wise
Hayes (LA)	Patterson	Wolpe
Hefner	Payne (NJ)	Wyden
Hertel	Payne (VA)	Wyllie
Hoagland	Pease	Yates
Hochbrueckner	Pelosi	Yatron
Hopkins	Penny	
Horton	Perkins	

NAYS—101

Armey	Ballenger	Bentley
Baker	Barton	Bilirakis

Billye	Hyde	Roth
Boehliert	Ireland	Roukema
Brown (CO)	Jacobs	Schaefer
Buechner	James	Schroeder
Bunning	Kolbe	Schuette
Burton	Kyl	Sensenbrenner
Clay	Lagomarsino	Shays
Clinger	Leach (IA)	Sikorski
Coble	Lewis (CA)	Slaughter (VA)
Coleman (MO)	Lewis (FL)	Smith (MS)
Coughlin	Lightfoot	Smith (TX)
Craig	Lowery (CA)	Smith, Denny
Crane	Lukens, Donald	(OR)
Dannemeyer	Machtley	Smith, Robert
DeLay	Madigan	(NH)
DeWine	Martin (IL)	Smith, Robert
Dickinson	Martin (NY)	(OR)
Dreier	McCandless	Snowe
Emerson	McMillan (NC)	Solomon
Fields	Michel	Stangeland
Frenzel	Miller (OH)	Stump
Galegally	Molinari	Sundquist
Gekas	Moorhead	Tauke
Gooding	Murphy	Upton
Goss	Oxley	Vucanovich
Grandy	Parris	Walker
Hancock	Pashayan	Walsh
Hansen	Paxon	Weber
Hastert	Petri	Wheat
Hefley	Porter	Whittaker
Henry	Rhodes	Wolf
Hergert	Ridge	Young (AK)
Hiler	Roberts	

NOT VOTING—59

Aspin	Holloway	Owens (NY)
Bateman	Hunter	Pepper
Boggs	Inhofe	Richardson
Brooks	Johnston	Ritter
Bustamante	Kennelly	Roe
Conyers	Lancaster	Rogers
Courter	Laughlin	Rose
DeFazio	Leland	Rowland (CT)
Dellums	Luken, Thomas	Roybal
Dornan (CA)	Manton	Spence
Douglas	Marlenee	Stark
Edwards (OK)	Martinez	Tauzin
Engel	McCrery	Thomas (CA)
Flake	McCurdy	Thomas (WY)
Florio	McDermott	Torricelli
Garcia	McGrath	Udall
Gaydos	McNulty	Weldon
Gibbons	Neal (MA)	Wilson
Gillmor	Neal (NC)	Young (FL)
Hatcher	Nowak	

□ 1226

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROWLAND of Connecticut. Mr. Speaker, an unavoidable conflict prevented me from casting my vote on approval of the Journal (rollcall 44). Had I been present, I would have voted "yes."

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. STENHOLM] come forward and lead us in the Pledge of Allegiance?

Mr. STENHOLM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 106. Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1990, 1991, and 1992.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 106) "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1990, 1991, and 1992," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. RIEGLE, Mr. LAUTENBERG, Mr. SIMON, Mr. SANFORD, Mr. WIRTH, Mr. DOMENICI, Mr. GRASSLEY, Mr. KASTEN, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 100-607, the Chair on behalf of the President pro tempore, appoints Dr. Charles Konigsberg of Kansas, from private life, to the National Commission on Acquired Immune Deficiency Syndrome.

THE AMERICANS WITH DISABILITIES ACT

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, today I and over 60 of our colleagues, introduced legislation that will eliminate discrimination against persons with disabilities. The time is long overdue for our Nation's disabled citizens to be protected from discrimination that has limited their opportunities, often much more severely than their disabling conditions ever could.

Most people do not regard disabled persons as a large group, or as an unfairly treated group, or as an economically disadvantaged group. But these stereotypes—like most stereotypes—are untrue.

Disabled people constitute a major portion of our society. The last U.S. census numbered the disabled at 36 million. Estimates indicate that figure has risen to 43 million since then.

Unfortunately, those 43 million persons are too often the victims of unfair and discriminatory treatment. Five years of research by the National Council on the Disabled—a Government board appointed by former President Reagan—found extensive discrim-

ination in American society against those with disabilities.

This bill will go a great distance toward eliminating discrimination against the disabled in employment, public accommodations, transportation, communications, and public services. This is a good bill, but it will take more than good intentions to get it passed. There needs to be a commitment from the public, a commitment from Congress, and a commitment from the President, to see this bill become a reality. I ask everyone to lend a hand in this effort.

WORKING TOGETHER TO OPEN THE DOORS OF OPPORTUNITY FOR DISABLED AMERICANS

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, the President and the Republican Party platform make very clear our commitment to empowering persons with disabilities so that they can reach their maximum potential. As Republicans, we stand ready to address the needs of persons with disabilities.

Today the majority introduced a bill which attempts to expand protections against discrimination and define guidelines for enforcing new standards. I have indicated to the majority our desire to work together to develop bipartisan legislation. The ranking Republican on the Committee on Education and Labor, as well as the ranking subcommittee Republican have joined me in this effort.

Americans with disabilities triumph daily over hurdles unwittingly erected by ignorance or indifference. Willful discrimination cannot be tolerated.

We look forward to working with the majority to craft legislation to end discrimination against those with disabilities. By working together, we can open the doors of opportunity for the millions of Americans who are disabled.

□ 1230

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 876

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 876.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AGENT ORANGE COURT RULING

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, since Congress first enacted legislation to assist victims of agent orange spraying, the Veterans' Administration has in effect shut the door in the faces of literally 31,000 Vietnam veterans, claiming there was no scientific proof to show a causal relationship between exposure and disease.

Judge Henderson's ruling now directs the Veterans' Administration to give veterans the benefit of the doubt and to reopen all claims denied under unfair guidelines.

Mr. Speaker, our Nation owes a great debt to the brave men and women who served in the armed forces, but in the case of agent orange victims the Federal Government has not acted responsibly.

Yesterday's decision will go down as the turning point in the battle of victims of agent orange exposure to receive the benefits they have fought long and hard for since the Vietnam war ended. I am confident, Mr. Speaker, that the new leadership at the VA under Secretary Edward Derwinski will do all it can to insure fair treatment in this process, something that has been sadly missing in that long overdue battle.

INTRODUCTION OF LEGISLATION TO ESTABLISH NATIONAL PROGRAM FOR TROPICAL MEDICINE AND INFECTIOUS DISEASES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, AIDS, Lyme disease, and recent strains of drug resistant malaria reveal the dangers of infectious diseases to our Nation. For example, dengue fever, a viral disease lethal to children, has recently reappeared in southern Texas. The mosquito carrier of the malady has been reported in 17 States.

A recent study conducted by the Institute of Medicine stated the current system is insufficient to ensure U.S. ability to cope with more than occasional domestic cases of these diseases.

Despite these warning signs America continues to fall short of what needs to be done. We have few remaining trained professionals in the field of tropical medicine and current activities remain uncoordinated.

Today, Chairman PEPPER and I are introducing legislation to establish a national program for tropical medicine and infectious diseases. This measure would establish an interagency coordinating body for management and reporting of data within HHS. It would coordinate existing operations throughout the Government.

Discussions with NIH, CDC, and the Department of Defense have indicated

that all are supportive of this proposal to better coordinate their efforts. Both the American Society of Tropical Diseases and the National Foundation for Infectious Diseases have given their strong endorsement of the proposal.

I hope Members will join us in supporting this bipartisan measure.

SEND MARINES TO ARREST GENERAL NORIEGA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, General Noriega was indicted for smuggling drugs into America. Noriega must not be worried because he has now taken up stealing. He is now stealing election ballots. That is right.

Former President Jimmy Carter said General Noriega is stealing the election in Panama.

Now, is anybody around here really surprised? I say again on the House floor, it is time to send the Marines to Panama and serve an arrest warrant on General Noriega for bringing drugs and smuggling drugs into this country. It is time we bring his fanny back here to stand trial.

I think we do too much talking. We have said, "Read our lips." It is time to say, "Read our warrant, General Noriega."

It is time to bring him back for trial.

SOUTHERN MEMORIAL DAY IN SOUTH CAROLINA

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, today in South Carolina, it is Southern Memorial Day, the day we remember our Confederate dead. The following words, engraved in stone on the monument to the Confederate soldiers, which stands before our State House in Columbia, perfectly describes and salutes them:

These were men whom power could not corrupt, whom death could not terrify, whom defeat could not dishonor. Let their virtues plead for just judgment of the cause in which they perished. Let the South Carolinian of another generation remember that their State taught them how to live and how to die and that from her broken fortunes, she has preserved for her children the priceless treasure of their memories * * *.

INTRODUCTION OF CONCURRENT RESOLUTION PAYING TRIBUTE TO FLYING TIGERS

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend

his remarks and include extraneous matter.)

Mr. ANDERSON. Mr. Speaker, I rise to inform my colleagues that I am today introducing House Concurrent Resolution 111, which pays tribute to the gallant airmen of Flying Tigers. Now is the appropriate time for such a resolution, because the merger of Flying Tigers with Federal Express will take from our skies a name which has been synonymous with dedication and service for over 50 years.

The Flying Tigers were formed over 50 years ago in the jungles of Burma by Gen. Clair Chennault's American Volunteer Group. After the Second World War, the group became involved in other endeavors, serving the special transportation needs of our Government. A sample of this service includes the Korean conflict, the Hungarian refugee Lifelift, the Vietnam Airlift, the Cambodian Ricelift, the Ethiopian Lifelift, and numerous other humanitarian missions.

Although this proud symbol will pass from our skies this summer, we should not let the actions of these brave airmen pass from our minds or our hearts. Please help me pay suitable tribute to these men and their accomplishments, and cosponsor this resolution.

WHAT IS THE COST OF MANDATED LEAVE? WE NEED TO KNOW

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the House is expected to consider the Family and Medical Leave Act in the next few weeks and much will be made of the General Accounting Office [GAO] study of the bill.

According to the GAO, the mandated leave bill is expected to cost around \$188 to \$212 million. Add to this new figures by GAO for the care of a seriously ill spouse and the cost increases to \$330 to \$368 million annually.

The GAO based these figures on 1987 data. When asked to update these estimates to reflect 1989 data, the GAO estimated that the cost of the legislation would rise by at least 30 percent.

The report also underestimates the actual costs associated with the legislation in several areas. The report fails to calculate hiring and training costs and lost productivity due to an employees' leave. The report fails to consider unemployment costs. The report assumes a vague definition of "serious health condition," at a generally lower cost than can be expected. And, the report bases its conclusions on a survey of 80 firms in only 2 areas of the country which is not representative of the Nation as a whole.

Before we are asked to mandate a costly requirement on businesses and employees, let's get some accurate estimates of the cost.

THE UNITED STATES MUST TAKE STRONG ACTION AGAINST NORIEGA

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, the United States must take strong action against Noriega.

Mr. Speaker, by all accounts, there have been few incidents of electoral fraud more blatant than those in Panama yesterday.

Gen. Manuel Noriega, Panama's drug-running dictator, stole the election by raiding voting centers, firing on demonstrators, and substituting fake tally sheets for the ones that showed a massive victory by the opposition party.

Democracy has suffered a serious loss in Panama. As former President Carter said, the result is "the robbing of the people of Panama of their legitimate rights."

But there is another loss as a result of the events in Panama. That is the loss to U.S. efforts to stem the tide of drugs that is sweeping over our shores. Panama's dictator is a drug criminal who sends drugs to our children and to our neighborhoods.

Mr. Speaker, General Noriega must be stopped. We cannot tolerate it when he spits in the face of democracy, and we cannot tolerate it when he threatens our democracy with the poison of drugs.

Mr. Speaker, I call on President Bush to further isolate Panama and to demonstrate our resolve to end the Noriega dictatorship.

□ 1240

INTRODUCTION OF INCINERATOR ASH AMENDMENTS OF 1989

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, almost lost among the budget, tax, and human needs issues on our agenda is the matter of waste disposal. Hardly a sexy issue, it is one that must be addressed intelligently if we are to keep our heads above the piles of trash that we as a society generate daily and to minimize growth in local property taxes so existing affordable housing can stay affordable.

As many of my colleagues have seen in their own districts, the use of incinerators to reduce the volume of trash has grown rapidly in recent years.

Combined with responsible recycling and waste minimization practices—that the Federal Government is now encouraging more forcefully—incinerators play an important role in waste reduction and energy generation.

Mr. Speaker, EPA and the Congress must not neglect the task of assuming responsible management of the ash byproduct of incinerators. So today, I am pleased to introduce the Incinerator Ash Amendments of 1989, which would require EPA to write regulations governing the safe management of municipal incinerator ash. It is a tough bill with strong environmental protections and a no-migration standard, but it retains the flexibility so important to States that already have moved forward in this area.

I commend the chairman of the Hazardous Materials Subcommittee, Mr. TOM LUKEN, of Ohio, for scheduling hearings on this issue and I look forward to working with him and the committee to see incinerator ash legislation approved this year.

THE DANGER AHEAD FOR AMERICAN EDUCATION

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, last week the Secretary of Education summed up the status of American high schools in one word, "mediocre."

He went on to say that we are dangerously close to slipping below even that discouraging level.

We know many of the reasons attributed to this decline, starting with the home environment where disciplined study is nonexistent, to a school environment where too little is demanded of even the brightest and best students.

This good and great country was not built on mediocrity, nor should we tolerate it in our school system.

I am afraid we are not concerned enough about this decline in quality education in America.

But I assure you, Mr. Speaker, that no domestic or foreign policy decision we make in this Congress will, in the end, mean more to the welfare and safety of our citizens, than the decision to build an educational system of excellence.

We can no longer tolerate mediocrity.

THE PANAMA ELECTIONS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, on Sunday, hundreds of thousands of Panamanians streamed to the polls waiting under the baking sun for

hours to vote to restore democracy to their beleaguered country. By over a 3-to-1 margin the people of Panama voted to reject the military dictatorship of Gen. Manuel Noriega.

But what is happening? We see that Noriega's army and his puppet government is shamelessly and blatantly stealing the election.

How can it be that 16 hours after the polls had closed, the election commission had yet to receive a single vote to count?

How can it be that one person can vote as many as 12 times for Noriega's handpicked candidate? The audacity of the fraud being perpetuated is absolutely shameless.

The brave people of Panama have spoken and they want to be heard. They have announced to the world they want democracy restored. Panamanians have risen in unison to reject the Noriega dictatorship. Noriega must respect the wishes of the Panamanian people. Mr. Speaker, Noriega must go.

FARM CROP ACREAGE BASE FLEXIBILITY ACT OF 1989

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, today I am introducing the Farm Crop Acreage Base Flexibility Act of 1989, along with my colleague, Mr. ROBERTS of Kansas. This bill would provide farmers the flexibility to adjust their cropping patterns in response to a wide variety of conditions ranging from conservation requirements contained in the Food Security Act of 1985 to fluctuating markets. H.R. 2100, passed by the House in October 1985, contained language that provided farmers this flexibility. This provision would have allowed producers who participate in farm programs to plant more acres to a crop that he or she wished, as long as they agreed to plant less acres to another crop or crops that they had previously grown. A farmer could not expand the amount of land planted and still receive Federal farm program payments under this proposal. Unfortunately, the conference committee on H.R. 2100 provided the Secretary of Agriculture discretionary authority in regard to implementation of the provision. To date, the Department of Agriculture has not seen fit to implement this potentially valuable management tool.

Mr. Speaker, the Farm Crop Acreage Base Flexibility Act of 1989 will mandate flexibility for 20 percent of the farm acreage base. This ability will provide farmers a flexible and equitable system for making sound management decisions based on the ever-changing circumstances that Mother

Nature, markets, and Congress can create.

NORIEGA SHOULD BE A PRISONER IN A U.S. PRISON

(Mr. APPELGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPELGATE. Mr. Speaker, General Noriega has done it again. He has threatened, cajoled, murdered, and stolen his way back into power, and he throws it in the face of the United States.

He is the king of drug trafficking and murder, and yet he was on the Reagan payroll a couple of years ago. He is breaking our laws, and he is killing our kids, and yet we are still dealing with him. We are now going to turn the Panama Canal over to him.

America had better wake up to that before it is too late. He should be a prisoner in a United States prison, not a President in Panama.

PANAMA: IMPORTANT THAT WE TAKE FIRM, DECISIVE ACTION

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, when it comes to the trade imbalance, we actually are doing extraordinarily well in this country. We are doing well because we have successfully throughout this decade exported democracy to 13 nations, from Pakistan to El Salvador, from Brazil to South Korea. We have had tremendous success.

Last Sunday there was another great success, but it took place in Bolivia, not a lot of news, not a lot of attention focuses on that. Last week there was success in Paraguay.

Everyone is focusing on the very tragic failure which did take place this past Sunday. By a 3-to-1 margin, the opposition led by Guillermo Endara desperately wanted to have a success in Panama. Unfortunately, they were rebuked by the narcomilitary system of Manuel Noriega.

Mr. Speaker, it is important that we take firm and decisive action, and it is wonderful to see bipartisan support from Jimmy Carter to members of the President's observer team coming to the same conclusion.

Mr. Speaker, we now have to take action.

□ 1250

STRATOSPHERIC OZONE LAYER PROTECTION ACT OF 1989

(Mr. BATES asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I will soon be introducing legislation to address the serious damage being done to the world's stratospheric ozone layer by chlorofluorocarbons and halons.

The Stratospheric Ozone Layer Protection Act of 1989, would freeze the production of nine major chemicals that deplete the ozone layer at 1986 levels, followed by a phaseout schedule that would prohibit the production of these chemicals by 1995.

The bill also prohibits the importation of major chemicals from nations that have not established a phaseout schedule at least as stringent as ours. Finally, the legislation encourages reclamation and recycling of CFC's, promotes safe alternatives, requires the use of approved recycling equipment and properly trained employees in the maintenance of automobile air-conditioners.

Mr. Speaker, I hope my colleagues will seriously consider becoming a co-sponsor of this bill.

IT IS TIME TO STOP REHASHING IRAN-CONTRA

(Mr. DEWINE asked and was given permission to address the House for 1 minute.)

Mr. DEWINE. Mr. Speaker, it has been alleged there are documents which the White House never handed over to the Iran-Contra Committees and now the Intelligence Committee has been asked to investigate this matter. That's fine. The committees should look into these allegations, and the White House has been fully cooperative—as it has throughout this entire investigation.

In fact, there is no evidence so far that anything even remotely unscrupulous has occurred. Chances are we may discover these documents were mishandled, overlooked, or already seen. In any event a cautious and prudent examination by these committees and the White House will resolve these questions.

At some point, however, enough is enough. We've spent over \$40 million over 2½ years and it is clear the American people have had enough. They have paid for two congressional committees, a Presidential commission and an independent counsel. Scores of lawyers, accountants, and investigators have poured over documents, interviewed hundreds of witnesses, and issued report after report.

Mr. Speaker, it is time for this body to get on with the many urgent issues facing this Nation and stop wasting time and money rehashing stale, old stories for partisan political gain. The American people aren't buying it, and they shouldn't be forced to pay for it.

IN CELEBRATION OF SMALL BUSINESS WEEK

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I rise today to celebrate Small Business Week and this year's theme "Small Business is America's Future."

Small businesses are indeed the key to our Nation's future economic success and employment opportunities. The recent impact of small business development in North Carolina demonstrates that convincingly.

A recent study on North Carolina's employment growth concluded that small companies accounted for nearly 75 percent of the 400,000 new jobs that have been created in North Carolina over the past 4 years. Furthermore, the study found that locally owned independent businesses have created about 60 percent of North Carolina's new jobs. This is critical because these local entrepreneurs will get involved in community affairs and will work to ensure future economic prosperity and a more stable, productive community.

This phenomenal success, however, is not causing North Carolina small businesses to rest on their laurels. Instead, they are constantly looking for new markets and new opportunities. I have been impressed by their interest and efforts to export their products and their willingness to undertake the sometimes arduous task of selling to the Federal Government. I have been pleased to work with many small businesses, particularly in these areas of trade and procurement, and this experience has convinced me that small businesses will continue to lead the way to a better economic future for our country.

I salute these small business operators in my district, across North Carolina, and throughout the country. Their continued dedication and ingenuity enriches us all.

WHEAT SALE TO THE SOVIETS

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, I listened to the Members who came down to the well last week to praise or bury the wheat sale to the Soviets. I am here to do neither. I am here just to point out three facts on the sale.

First, the Soviets wanted our wheat. They wanted twice as much as the 1.5 million tons we agreed to sell. Second, the United States was the sole contender for the sale. Third, the United States taxpayer will be paying the \$10 to \$15 subsidy on each metric ton of wheat sold to the Soviets.

If you add those three facts up, here's what you get: The United

States taxpayer subsidizing wheat exports to the Soviet Union by over \$15 million, on a sale that could have been made at no cost to the taxpayer. Mr. Speaker, that is absurd.

It sounds like something straight out of Kafka. But that is the way our Export Enhancement Program works. The USDA calls it "eeping" the Soviets. They ought to stop eeping the Soviets, and starting keeping the taxpayers' money.

URBAN AND COMMUNITY FORESTRY ACT OF 1989

(Mr. JONTZ asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, trees do a great deal to improve the environment of our Nation's urban dwellers. Trees in our cities also consume the greenhouse gases which cause global warming.

In spite of these benefits, we are unfortunately losing the battle for the greening of our cities. For every four trees which are removed from an urban environment in the Nation, only one is replaced.

Mr. Speaker, I have introduced the Urban and Community Forestry Act of 1989 to help municipal governments and citizen organizations and communities across our Nation with urban forestry projects. Technical assistance from the U.S. Forest Service, a modest matching grant program, and research on the planting and maintenance of trees in urban settings can all assist local efforts to bring the environmental benefits of trees to the people of our cities and towns. The Urban and Community Forestry Act will help us move ahead with the task of greening up and cooling down our Nation's communities.

ELECTION IN PANAMA STOLEN BY NORIEGA

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute.)

Mr. COUGHLIN. Mr. Speaker, last night I returned from observing the elections in Panama at the request of President Bush.

Our delegation cited only events we actually observed or learned first hand.

While the next step is up to the Panamanian people, it is clear that the opposition rejected General Noriega by a 2- or 3-to-1 majority and the election was stolen from them. This was the unanimous conclusion of our White House delegation, an independent delegation led by Presidents Ford and Carter as well as a survey released by Archbishop of Panama McGrath.

This was an election in which the opposition, media, and press had been stifled, manipulated, and controlled. Yet, Panamanian people traveled many miles on foot or by bus to wait in lines for 4 or more hours in the hot sun and registered their opposition to Noreiga.

This was an election in which fomenting of anti-United States sentiment was endemic by the Government. Yet, we were welcomed at the polling places literally with cheers and were begged to stay there to prevent brutality literally with tears.

The courage and determination of the opposition voters were remarkable as was their affection for the people of the United States. The daughter of a government candidate for Vice President worked against her own father because she believed her children need to grow up in a democracy. On numerous occasions voters risked their personal safety in insisting on their right to vote.

It would be a tragedy if their courage and the will of the vast majority of the Panamanian people were permanently thwarted.

INTRODUCTION OF CALIFORNIA MILITARY LAND WITHDRAWAL LEGISLATION

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, during the 100th Congress I introduced legislation to withdraw certain lands in California for military use. While the legislation passed under suspension of the rules in the House, it did not receive final consideration in the Senate prior to adjournment last fall. I am now reintroducing the measure with my colleague, the gentleman from California [Mr. HUNTER].

The lands to be withdrawn are within Chocolate Mountain Aerial Gunnery Range and China Lake Weapons Center. The bill would rewithdraw these lands for a period of 15 years. While both of the tracts have been used by the Department of the Navy since World War II, congressional approval of these lands expired in the 1970's.

In order to remain consistent with provisions of comprehensive military land withdrawal legislation passed at the close of the 99th Congress, this bill sets out similar terms of withdrawal. For example, the 15-year withdrawal, a draft environmental impact statement to be completed no more than 12 years after the law's enactment, and a requirement for on-going decontamination efforts all conform with the standards set in Public Law 99-606.

As a member of both the Interior and the Armed Services Committees, I am pleased to have the opportunity to

introduce a measure of such joint interest. I urge my colleagues to support this worthy legislation.

GLOBAL WARMING

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, the United States worked hard last year to gain its position as the chairman of the most important international body considering the issue of global warming. In this position, the United States has the opportunity to lead on this vital question.

But now the administration is squandering this opportunity because we are the only major Western country not advocating an international "convention" on global climate protection.

This is clearly an international problem requiring international cooperation. We must help formulate the worldwide response.

Last week the Energy and Power Subcommittee held a hearing where the Environmental Protection Agency presented its analysis of the policy options we could choose among to slow global warming. Some actions would surely be better for us than others. We certainly have the analytical capability to help the world decide what paths we should take. But if we fail to lead now, we won't have the credibility.

If we fail to lead—if all the administration does is bicker among the different departments and allow the policy to drift, if all the President does is muzzle his own scientists—we are going to let others decide our fate.

This week, OMB censored the testimony of Dr. James Hansen of NASA, one of the acknowledged experts on global warming. Last year, when my subcommittee invited him to testify, the administration tried to send us someone else, someone who would soften the message. Dr. Hansen was allowed to appear only when we told the administration that if he did not appear, there would be an empty chair at the witness table with Dr. Hansen's name on it.

Perhaps this empty chair is an excellent metaphor for the role the administration is playing in the international arena. Unless we mend our ways.

RONALD REAGAN ON MOUNT RUSHMORE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I understand that many Americans are beginning to talk about placing a likeness of former President Ronald Reagan on Mount Rushmore. That

might be a good idea. It does seem to me, however, that Americans have developed a kind of unofficial waiting list for Mount Rushmore.

□ 1300

What about Eisenhower? Or Roosevelt? Truman, Kennedy? Should the "Gipper" be on Mount Rushmore with all those other great Americans? Well, perhaps; but let us see how much room is left on the mountain after we get Ike and FDR and Harry Truman and Jack Kennedy up there.

RELIEF FOR RIVER PUBLISHERS, INC. OF WHARTON, TX

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, I rise today to introduce a bill for the relief of River Publishers, Inc. of Wharton, TX.

The proprietors of River Publishers, Inc., a small newspaper publishing company in my district, wholeheartedly relied upon the Bay City, TX, Post Office to provide guidance and proper postal forms required to mail 13,000 copies a week of their publication and pay the appropriate postage. The postmaster of Bay City billed River Publishers on these 13,000 copies at the wrong rate from May 5, 1983, through January 4, 1984. The result was a 9-month mistake and an acknowledged error by the postmaster of \$26,491.95.

If the proprietors of River Publishers, Inc. had been presented with the correct rate of postage from the postmaster, they would have quickly decided not to proceed with this particular publication.

My bill would relieve River Publishers, Inc. of Wharton, TX, of all liability for payment to the United States of the amount of \$26,491.95, which is the difference between the amount that should have been paid and the amount actually paid by River Publishers for postage on a requester second-class mailing of the mid-coast advertiser for the period from May 5, 1983, through January 4, 1984. Such liability resulted from the reliance of River Publishers, Inc. upon postal rates specified in good faith by the Bay City postmaster although such rates were erroneous.

Mr. Speaker, I am introducing this companion bill along with the gentleman from Texas, Senator LLOYD BENTSEN, who has already submitted his version in the Senate. I encourage my colleagues to join and support me to relieve an erroneous burden from a vital and indispensable community establishment.

**ANNOUNCEMENT BY THE
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore (Mr. Frost). Pursuant to the provisions of clause 5 of rule 1, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

**AUTHORITY TO SETTLE CLAIMS
RESULTING FROM LAW EN-
FORCEMENT ACTIVITIES**

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 972) to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice, as amended.

The Clerk read as follows:

H.R. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO SETTLE CLAIMS.

(a) INCREASED AUTHORITY.—Section 3724 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "\$500" and inserting in lieu thereof "\$50,000"; and

(B) by striking out "the Director" and all that follows through "Investigation" and inserting in lieu thereof "an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice"; and

(2) in subsection (b) by striking out "The Attorney General" in the first sentence and all that follows through "The" in the second sentence and inserting in lieu thereof the following: "The Attorney General shall report annually to the Congress on all settlements made under this section. With respect to each such settlement, the".

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 3724 of title 31, United States Code, is amended to read as follows:

"§ 3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice".

(2) The item relating to section 3724 in the table of sections at the beginning of chapter 37 of title 31, United States Code, is amended to read as follows:

"3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to any claim arising on or after the date of the enactment of this Act, to any claim pending on such date, and to any claim arising before such date which has not been settled if the time for presenting the claim to the Attorney General under the last sentence of section 3724(a) of title 31, United States Code, has not expired.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from Florida [Mr. JAMES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very straightforward bill.

I commend the Justice Department and the administration for bringing this bill to our attention, and the gentleman from California [Mr. EDWARDS] who sponsored it for them.

It was reported unanimously in subcommittee and in full committee and it is of course very noncontroversial as you might infer from that.

Under current law if a law enforcement agency of the Federal Government injures a noninvolved party in a criminal matter in a nonnegligent fashion, we cannot do very much about it. It is a paradox.

If the FBI should negligently damage you while pursuing a criminal, you can sue under the Federal Tort Claims Act.

If the FBI or any other law enforcement entity which are the ones covered under this bill necessarily causes you injury in the pursuit of its mission, they cannot compensate you for more than \$500. They have asked us for the authority to compensate up to \$50,000 without having to come to us. We think that is a good idea. That is what the bill does.

The bill was broadened after some conversation so it covers not only the FBI but all law enforcement entities.

I do not want to give the impression, Mr. Speaker, that our Federal law enforcement agencies willfully inflict damage on people. I guess they are on the whole extremely responsible in the performance of their duties. But sometimes damage is inevitable. I will give one example.

The FBI is examining a particular building because they have been given information which leads them to believe a body is buried there that did not die a natural death.

The only way to find out if a body is there is to dig up the floor of the building.

The building is now owned by people who are not at all involved with the death. The body came with the building although presumably not noted in the deed.

The FBI has no option in the pursuit of its criminal investigation but to dig up the floor. Under current law, if the FBI digs up the floor, finds the body, it cannot pay more than \$500. Ironically, today if the FBI made a mistake and went to the house next door, through some negligence and

dug up the wrong floor, it could pay the people where the body was not, but it could not pay the people where the body was.

Now this does not happen very often. We do not want to give the impression that there is casual attitudes on the part of our law enforcement entities toward the rights of private citizens. Quite the opposite is the case, but inevitably in some circumstances some damage will arise.

It is to the credit of these agencies that they want more fully to be able to compensate people. That is what this bill does.

Mr. Speaker, I reserve the balance of my time.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 972. I compliment the subcommittee chairman, Mr. FRANK, for holding hearings on this bill and moving H.R. 972 through the subcommittee, the full committee, and to the House floor, today.

As Mr. FRANK has stated this bill amends section 3724 of title 31 of the United States Code to increase the Attorney General's settlement authority regarding claims by innocent victims of legitimate law enforcement activities. Current law, enacted many years ago, only provides the Attorney General authority to settle claims filed against the FBI up to a ceiling of \$500. Obviously, since the 1930's inflation has diminished the effectiveness of this settlement authority.

H.R. 972 increases the Attorney General's settlement authority to \$50,000 and broadens the coverage of title 31 to include claims against all law enforcement components of our Federal Government. Certainly, all innocent, and often cooperative victims of legitimate Federal law enforcement activities should be allowed to file a bona fide claim against the Government under these circumstances and be substantially reimbursed where appropriate.

I think this is a good bill; I supported it in committee, the administration supports it, and I encourage my colleagues to vote in favor of the bill.

Mr. FRANK. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. EDWARDS], the sponsor of this bill.

Mr. EDWARDS of California. I thank the gentleman from Massachusetts for yielding time to me.

Mr. Speaker, as the sponsor of H.R. 972, I congratulate the gentleman from Massachusetts for bringing this legislation to the floor so promptly.

This is a noncontroversial but valuable piece of legislation. It will help our law enforcement agencies carry out their duties fairly and professionally. The bill simply establishes that an innocent citizen who suffers intentional

injury by a Federal law enforcement officer can be reimbursed by the Federal Government. Under current law, due to the concept of sovereign immunity and the limitations of the Federal Tort Claims Act, these citizens often cannot recover fully. If they are injured by the FBI, they are currently limited to \$500, and if they are injured by the DEA or other agencies, it seems there may be no authority at all for the Government to repay them.

H.R. 972 addresses this problem by raising the Attorney General's authority to settle claims from \$500 to \$50,000, and extending the settlement authority to cover all law enforcement components of the Department of Justice.

This measure does not mean it is okay for Federal agents to destroy private property. I expect the FBI and the other agencies to continue to exercise the utmost caution in carrying out its activities.

This bill is long overdue. It does not address some other important problems in terms of negligent or careless injury to innocent third parties, but we can leave those to another day.

I urge passage of the bill, and I thank the gentleman.

□ 1310

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. JAMES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FROST). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 972, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION EXTENSION ACT

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1385) to make permanent the Martin Luther King, Jr., Federal Holiday Commission.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Jr., Federal Holiday Commission Extension Act."

SECTION 2. REMOVAL OF TERMINATION.

(a) REMOVAL.—Section 9 of Public Law 98-399 (98 Stat. 1475) is amended to read as follows:

"Sec. 9. The Commission shall continue in existence until April 20, 1994."

(b) CONFORMING AMENDMENTS.—

(1) FINDINGS.—Paragraph (3) of the first section of Public Law 98-399 (98 Stat. 1473) is amended by striking "first".

(2) PURPOSES.—Section 3(1) of Public Law 98-399 (98 Stat. 1473) is amended by striking "first occurs on January 30, 1986" and inserting "occurs on the third Monday in January each year".

(c) REESTABLISHMENT AFTER TERMINATION.—If the date of the enactment of this Act occurs on or after April 20, 1989, the Martin Luther King, Jr., Federal Holiday Commission shall be reestablished on the date of the enactment of this Act with the same members and powers that the Commission had, as provided in Public Law 98-399 (98 Stat. 1473), on April 19, 1989 (subject to this Act and the amendments made by this Act).

SEC. 3. MEMBERSHIP.

(a) TERMS IN GENERAL.—Section 4(c) of Public Law 98-399 (98 Stat. 1474) is amended to read to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed not later than June 1 of each year for terms of 1 year, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any vacancy in the Commission shall not affect its powers.

"(2) Coretta Scott King shall serve as a member for life. In the event of a vacancy, her position on the Commission shall be filled by a member of the family surviving Martin Luther King, Jr., not already a member of the Commission, who shall be appointed by the family and shall serve as a member of the Commission at the discretion of the family.

"(3) The 2 members of the Commission appointed as members of the family surviving Martin Luther King, Jr., shall serve as members of the Commission at the discretion of the family."

(b) CONTINUATION OF TERMS OF EXISTING MEMBERS.—The individuals who are members of the Commission on the date of the enactment of this Act shall be considered to have been appointed members for a term ending on the first June 1 that occurs after the date of the enactment of this Act (pursuant to section 4(a) of Public Law 98-399 (98 Stat. 1473) or section 2(c) of this Act, as appropriate).

SEC. 4. RESTRICTIONS ON ACTIVITIES OF THE COMMISSION.

Section 6 of Public Law 98-399 (98 Stat. 1474) is amended by adding at the end thereof the following new subsection:

"(c) In carrying out the responsibilities of the Commission under this Act, the Commission shall not make any expenditures, or receive or utilize any assistance in the form of the use of office space, personnel, or any other assistance authorized under subsection (b), for any of the following purposes—

"(A) training activities for the purpose of directing or encouraging—

"(i) the organization or implementation of campaigns to protest social conditions, and

"(ii) any form of civil disobedience."

SEC. 5. REPORTS.

Section 8 of Public Law 98-399 (98 Stat. 1475) is amended by striking the period at the end and inserting the following: "with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr."

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 7 of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

Sec. 7. There are authorized to be appropriated to carry out this Act \$300,000 for fiscal year 1989 and each of the 4 succeeding fiscal years."

"(b) CONFORMING AMENDMENTS.—

(1) EXPENSES OF MEMBERS.—Section 4(d) of Public Law 98-399 (98 Stat. 1474) is amended by striking "subject to section 7" and inserting "subject to the availability of sufficient funds".

(2) PAY FOR STAFF.—Section 6(a) of Public Law 98-399 (98 Stat. 1474) is amended by striking "Subject to section 7" and inserting "Subject to the availability of sufficient funds".

SEC. 7. REPEALER.

Section 5(c) of Public Law 98-399 (98 Stat. 1474) is repealed.

SEC. 8. BRONZE REPLICA OF DECLARATION OF INDEPENDENCE.

(a) The Congress finds that:

(1) The ideas expressed in the Declaration of Independence have inspired freedom-loving people throughout the world.

(2) The eloquent language of the Declaration of Independence has stirred the hearts of the American people.

(3) The Declaration of Independence ranks as one of the greatest documents in human history.

(4) On July 2, 1952, a bronze replica of the Declaration of Independence was presented to Congress for display in the Rotunda of the United States Capitol.

(5) On July 22, 1988, the bronze replica of the Declaration of Independence was moved from the Rotunda of the Capitol to the small House Rotunda between the Capitol Rotunda and Statuary Hall.

(6) The bronze replica of the Declaration of Independence was replaced in the Rotunda by a bust of Martin Luther King, Jr.

(7) It is the sense of the Congress that the bronze replica of the Declaration of Independence should, forthwith, be returned to a place of prominence in the Rotunda of the United States Capitol where it shall remain on permanent display.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MORELLA. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Senate amendment to H.R. 1385 now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1385, the Martin Luther King, Jr., Federal Holiday Commission Extension Act, as amended by the Senate. The bill is worthwhile and necessary, and merits final passage by the House.

I would like to take this opportunity to explain briefly the Senate amendments to the bill.

As passed by the House on April 17, H.R. 1385 would have established the Martin Luther King, Jr., Federal Holiday Commission as a permanent Commission until terminated by law. The bill, as amended by the Senate, provides that the Commission shall continue in existence until April 20, 1994—a 5-year extension of the life of the Commission.

With regard to funding for the operation of the Commission, the Senate amendment authorizes an annual appropriation of \$300,000 for fiscal year 1989 and each of the four succeeding fiscal years. The House bill authorized \$500,000 annually.

A new section 4 has been added by the Senate to address restrictions on the Commission's activities. This section prohibits Commission expenditures for the purpose of organizing campaigns to protest social conditions or promote civil disobedience. (Section 7 of the Senate amendment makes the Federal Advisory Committee Act applicable to the Commission.)

Finally, Mr. Speaker, the Senate added a new section 8. It concerns the placement of the bronze replica of the Declaration of Independence that was moved from the rotunda of the Capitol of the United States to the small House rotunda between the Capitol rotunda and Statuary Hall. This bronze replica was replaced by a bust of Martin Luther King, Jr., on June 22, 1988. The new section would return the bronze replica to a place of prominence in the U.S. Capitol.

Mr. Speaker, I again would like to compliment Mr. CONYERS, the sponsor of H.R. 1385, for his steadfast leadership on this important legislation and for his dedication to keeping Dr. King's dream alive.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1385 extends the Martin Luther King, Jr. Federal Holiday Commission. Though the House passed the original bill extending the Martin Luther King Commission permanently by a vote of 305 to 84 on April 17, we are here today to concur in the Senate amendment to the bill. The amended bill extends the Commission for an additional 5 years and authorizes \$300,000 for its operational budget for each of those years. The Senate amendment also prohibits the Commission from utilizing any of its

assets for any purpose other than its authorized mission.

The Commission was established in 1984 and charged with the responsibility of making Martin Luther King, Jr. Day a meaningful national holiday.

As a cosponsor of H.R. 1385, I urge all Members to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], who is a member of the Commission.

Mr. REGULA. Mr. Speaker, I served on the Martin Luther King, Jr. Federal Holiday Commission since the inception by appointment of the leadership, four from each House, that serve in that capacity, and I am now Vice Chairman. I simply want to say that I would urge my colleagues to support this action. I think what the Senate provides is very reasonable. It does put a fixed time, 5 years. It does reduce the amendment, it puts some conditions in that tightens up the way in which it would be used, and certainly represents a very responsible position in dealing with these areas.

I might say the Commission, has taken exceptionally good action on behalf of educational programs, and the greatest part of this money would be used to continue and to strengthen the program of education that reaches across this Nation, and for that matter, across the world.

I would also point out to my colleagues that the vote in the Senate on this particular bill was 94 in favor and only 7 against. I think that indicates a strong vote of support, and I hope that we have a similar one in the House.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Ohio for his very thoughtful support of the compromise bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], who is the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1385 as amended by the Senate to make permanent the Martin Luther King Jr. Federal Holiday Commission and commend the gentleman from Michigan [Mr. CONYERS].

The amended version provides, for a 5-year extension and the appropriation of \$300,000 per year.

Mr. Speaker, the Congress of the United States honored Dr. King with a Federal holiday because we wanted his legacy to survive. His advocacy of racial equality, nonviolence, and social change has given hope and courage to millions of Americans.

Mr. Speaker, I believe that H.R. 1385, as amended by the Senate is a fair compromise of the bill passed by the House. It would allow the Martin Luther King Commission to continue

to coordinate efforts that reflect the principles of Martin Luther King, Jr.

Accordingly, I urge my colleagues to join me in supporting this legislation.

Mr. SAWYER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I would appreciate it if the gentleman from Ohio [Mr. SAWYER] would respond to a question which I would pose to him in his capacity as chairman of the Subcommittee on Census and Population.

Mr. Speaker, during the course of Senate consideration of H.R. 1385 an amendment was added respecting a bronze replica of the Declaration of Independence in the rotunda. Specifically, the amendment requires that the bronze replica of the Declaration of Independence should, forthwith, be returned to a place of prominence in the rotunda of the U.S. Capitol where it shall remain on permanent display.

It is my understanding that in passing this bill, it is not our intent that the return of the replica of the Declaration of Independence displace the statue of Martin Luther King, Jr. I wonder if the gentleman from Ohio [Mr. SAWYER] could speak to that question.

Mr. SAWYER. Mr. Speaker, if the gentleman will yield, the gentleman from California [Mr. DYMALLY] is correct. It is not the intent of Congress that the statue of Martin Luther King, Jr., be removed from the rotunda. It is merely the intent that the bronze replica of the Declaration of Independence be given a place in the Capitol rotunda. This would not necessarily require displacing the Martin Luther King, Jr., statue.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman for clarifying this issue.

Mr. CONYERS. Mr. Speaker, I rise in support of the Senate amendments to H.R. 1385, legislation which I introduced at the beginning of the 101st Congress to extend the life of the Martin Luther King, Jr. Federal Holiday Commission. While the Senate amendment represent a compromise over the House passed version, they would preserve the Commission for 5 more years and for the first time in history be Federal approved for Commission's operations.

The Commission has had only 4 short years in which to institutionalize the Federal holiday honoring Dr. King. It took many more years to recognize and institutionalize other Federal holidays like George Washington and Abraham Lincoln's birthdays, which are now known and collectively celebrated as President's day. This legislation will provide the Commission more time to carry out its mandated duty.

The Commission is successfully carrying out its mandate of encouraging appropriate nationwide ceremonies relating to the observance of the holiday honoring Martin Luther King, Jr., and sponsoring activities which edu-

cate the American people about Dr. King's values of racial equality and nonviolent social change. It performs an important service by promoting the teachings of Dr. King and coordinating special commemorative events in the United States and many nations around the world.

When the Commission first began its work in the fall of 1984, only 19 States observed Dr. King's birthday. This year, however, all but 7 States and over 100 foreign countries have made his birthday an official holiday.

Since the Commission's establishment, millions of Americans have participated in seminars, rallies, prayer services, and other tributes. People of all races, cultures, and political persuasions have come together in the same spirit of good will and fellowship that characterized Dr. King's life. The Commission has developed and helped to distribute "living the dream" pledge cards on which over 2 million people have affirmed their commitment to the ideals of freedom, justice, and opportunity for all.

Mr. Speaker, 3 days after the assassination of Dr. Martin Luther King, Jr., I introduced the first holiday legislation. It took more than 15 years to enact that legislation, but in a way it was worth the wait. The support in the House and the Senate for the passage of a holiday for Dr. King was an incredible and important historic statement which I still treasure. Its value to the Nation will grow in importance as time goes on.

As time moves on, this legislation becomes more important, not less important. Thankfully, there were Americans who came in with start-up money to get this Commission moving. I am pleased that we are authorizing this legislation for 5 years and putting \$300,000 into this project annually. I suggest to Members it is a very, very tiny amount, but I think it does make a very strong and persuasive statement that we are going to continue the memory of Dr. King, now that we have made his life a part of the American history by recognizing him every year. So I am pleased. I am almost as happy as I was the day that the Senate added their blessing to the holiday bill itself.

So I am humbled by all of the Members who have joined in the overwhelming support for this legislation, and I urge the President to immediately sign this important measure.

Mr. MFUME. Mr. Speaker, I would like to commend the gentleman from Ohio [Mr. SAWYER] for his leadership on this important measure and my good friend and colleague from Michigan [Mr. CONYERS] for authoring this legislation.

I am pleased that the Senate has acted expeditiously by passing this measure by an overwhelming majority last week. I believe that it is important that we allow the work of the Commission to continue and serve the people of this Nation.

We want the truth to be known about Dr. Martin Luther King, Jr., and I believe that by passing this measure we will ensure that our Nation's posterity will know of Dr. King's accomplishments and messages that has inspired us all.

I urge all of my colleagues to support the measure and continue to express their support for adequate funding so that the Commission may carry out its duties.

Mr. Speaker, I insert the text of the following resolution in the RECORD as a part of my remarks:

RESOLUTION TO SUPPORT ADEQUATE FUNDING TO THE MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

Whereas, The Martin Luther King, Jr. Federal Holiday Commission was established in 1984 to encourage appropriate ceremonies relating to the observance of a holiday observing Dr. King,

Whereas, since its creation, the Commission has worked to help expand the celebration of Dr. King's birthday and increase the awareness of his message to 44 states,

Whereas, the Commission has orchestrated numerous ceremonies, seminars, speakers, and various activities over the past five years to educate Americans,

Whereas, the Commission has operated with limited funds and a small staff in carrying out its duties since no federal funds were appropriated upon its creation, and private donations have been declining over the years,

Whereas, if the Commission is to carry out its duties as intended by the Congress in an effective and efficient manner: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that an adequate level of funding should be appropriated to the Martin Luther King, Jr., Federal Holiday Commission for the operations of its activities.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1385.

The question was taken.
Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 42, not voting 33, as follows:

[Roll No. 45]
YEAS—359

Ackerman	Boxer	Coughlin
Akaka	Brennan	Cox
Alexander	Broomfield	Coyne
Anderson	Browder	Craig
Andrews	Brown (CA)	Crockett
Annunzio	Brown (CO)	Darden
Anthony	Bruce	Davis
Applegate	Bryant	de la Garza
Aspin	Buechner	DeFazio
Atkins	Bunning	Dellums
AuCoin	Byron	Derrick
Barnard	Callahan	DeWine
Bartlett	Campbell (CA)	Dickinson
Barton	Campbell (CO)	Dicks
Bates	Cardin	Dingell
Belenson	Carper	Dixon
Bennett	Carr	Donnelly
Bentley	Chapman	Dorgan (ND)
Bereuter	Clarke	Downey
Berman	Clay	Dreier
Bevill	Clement	Duncan
Bilbray	Clinger	Durbin
Bliley	Coelho	Dwyer
Boehrlert	Coleman (MO)	Dymally
Boggs	Coleman (TX)	Dyson
Bonior	Collins	Early
Borski	Conte	Eckart
Bosco	Cooper	Edwards (CA)
Boucher	Costello	Emerson

English	Lehman (FL)	Rostenkowski
Erdreich	Lent	Roth
Espy	Levin (MI)	Roukema
Evans	Levine (CA)	Rowland (CT)
Fascell	Lewis (FL)	Rowland (GA)
Fazio	Lewis (GA)	Russo
Feighan	Lipinski	Sabo
Fish	Lloyd	Saiki
Flake	Long	Sangmeister
Fliippo	Lowery (CA)	Sarpalius
Foglietta	Lowey (NY)	Savage
Foley	Luken, Thomas	Sawyer
Ford (MI)	Lukens, Donald	Saxton
Ford (TN)	Machtley	Scheuer
Frank	Madigan	Schiff
Frost	Markey	Schneider
Galleghy	Martin (IL)	Schroeder
Gallo	Martin (NY)	Schuetter
Garcia	Martinez	Schulze
Gaydos	Matsui	Schumer
Gejdenson	Mavroules	Sensenbrenner
Gekas	Mazzoli	Sharp
Gephardt	McCloskey	Shaw
Gillmor	McCrary	Shays
Gilman	McDade	Shuster
Gingrich	McDermott	Sikorski
Glickman	McHugh	Sisisky
Gonzalez	McMillen (MD)	Skaggs
Goodling	McNulty	Skeen
Gordon	Meyers	Skelton
Goss	Mfume	Slattery
Gradison	Michel	Slaughter (NY)
Grandy	Miller (CA)	Smith (FL)
Grant	Miller (WA)	Smith (IA)
Gray	Mineta	Smith (NJ)
Green	Moakley	Smith (TX)
Guarini	Mollinari	Smith (VT)
Gunderson	Mollohan	Smith, Robert
Hall (OH)	Montgomery	(OR)
Hall (TX)	Moody	Snowe
Hamilton	Morella	Solarz
Harris	Morrison (CT)	Spratt
Hastert	Morrison (WA)	Staggers
Hawkins	Mrazek	Stallings
Hayes (IL)	Murphy	Stangeland
Hayes (LA)	Murtha	Stearns
Hefner	Myers	Stenholm
Henry	Nagle	Stokes
Hertel	Natcher	Studds
Hiler	Neal (NC)	Swift
Hoagland	Nelson	Synar
Hochbrueckner	Nowak	Tallon
Hopkins	Oakar	Tanner
Horton	Oberstar	Tauke
Houghton	Obey	Tauzin
Hoyer	Ortiz	Thomas (CA)
Hubbard	Owens (NY)	Thomas (GA)
Huckaby	Owens (UT)	Thomas (NY)
Hughes	Oxley	Torres
Hutto	Pallone	Torricelli
Hyde	Panetta	Towns
Inhofe	Parker	Traficant
Jacobs	Parris	Traxler
James	Pashayan	Unsoeld
Jenkins	Patterson	Upton
Johnson (CT)	Paxon	Valentine
Johnson (SD)	Payne (VA)	Vander Jagt
Johnston	Pease	Vento
Jones (GA)	Pelosi	Visclosky
Jones (NC)	Penny	Voikmer
Jontz	Perkins	Vucanovich
Kanjorski	Petri	Walgren
Kaptur	Pickett	Walker
Kasich	Pickle	Walsh
Kastenmeier	Porter	Watkins
Kennedy	Poshard	Waxman
Kennelly	Price	Weber
Kildee	Pursell	Weiss
Kleczka	Quillen	Weldon
Kolbe	Rahall	Wheat
Kolter	Ray	Whittaker
Kostmayer	Regula	Whitten
Kyl	Rhodes	Williams
LaFalce	Ridge	Wilson
Lagomarsino	Rinaldo	Wolf
Lancaster	Roberts	Wolpe
Lantos	Robinson	Wyden
Laughlin	Rogers	Wylie
Leach (IA)	Rohrabacher	Yates
Leath (TX)	Rose	Yatron
Lehman (CA)		Young (AK)

NAYS—42

Archer	Baker	Bilirakis
Armey	Ballenger	Burton

Chandler	Herger	Schaefer
Coble	Ireland	Shumway
Combust	Lightfoot	Slaughter (VA)
Crane	Livingston	Smith (MS)
Dannemeyer	McCandless	Smith (NE)
DeLay	McCollum	Smith, Denny
Fawell	McEwen	(OR)
Fields	McMillan (NC)	Smith, Robert
Frenzel	Miller (OH)	(NH)
Hammerschmidt	Moorhead	Solomon
Hancock	Nielson	Stump
Hansen	Packard	Sundquist
Hefley	Ravenel	

NOT VOTING—33

Bateman	Hatcher	Pepper
Brooks	Holloway	Rangel
Bustamante	Hunter	Richardson
Conyers	Leland	Ritter
Courter	Lewis (CA)	Roe
Dornan (CA)	Manton	Roybal
Douglas	Marlenee	Spence
Edwards (OK)	McCurdy	Stark
Engel	McGrath	Udall
Florio	Neal (MA)	Wise
Gibbons	Payne (NJ)	Young (FL)

□ 1341

The Clerk announced the following pair:

On this vote:

Mr. Rangel and Mr. Conyers for, with Mr. Marlenee against.

Messrs. FAWELL, HAMMER-SCHMIDT, and McCOLLUM changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 7, 1989:

H.J. Res. 129. Joint resolution disapproving the increases in executive, legislative, and judicial salaries recommended by the President under section 225 of the Federal Salary Act of 1967.

On March 15, 1989:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week."

On March 23, 1989:

H.J. Res. 117. Joint resolution to proclaim March 20, 1989, as "National Agriculture Day" and

H.J. Res. 167. Joint resolution to designate March 16, 1989, as "Freedom of Information Day."

On March 24, 1989:

H.J. Res. 148. Joint resolution designating the month of March in both 1989 and 1990 as "Women's History Month."

On March 31, 1989:

H.R. 1373. An act to authorize the Agency for International Development to pay the expenses of an election observer mission for the 1989 presidential elections in Panama.

On April 7, 1989:
H.R. 829. An act to make permanent the authority provided under the Temporary Emergency Wildfire Suppression Act.

On April 18, 1989:
H.J. Res. 173. Joint resolution to designate April 16, 1989, and April 6, 1990, as "Education Day, U.S.A."

H.R. 1750. An act to implement the Bipartisan Accord on Central America of March 24, 1989.

On April 19, 1989:

H.J. Res. 102. Joint resolution to designate April 1989 as "National Recycling Month."

On April 20, 1989:

H.J. Res. 112. Joint resolution designating April 23, 1989, through April 29, 1989, and April 23, 1990, through April 29, 1990, as "National Organ and Tissue Donor Awareness Week" and

H.R. 666. An act to allow an obsolete Navy drydock to be transferred to the city of Jacksonville, Florida, before the expiration of the otherwise applicable 60-day congressional review period.

On May 3, 1989:

H.J. Res. 124. Joint resolution to recognize the seventy-fifth anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

□ 1340

APPOINTMENT OF CONFEREES ON H. CON. RES. 106, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1990

Mr. PANETTA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 106) setting forth the congressional budget for the United States Government for the fiscal years 1990, 1991, and 1992, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. FRENZEL
Mr. FRENZEL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FRENZEL moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. Con. Res. 106 be instructed to reduce funds included in new budget authority to be used for congressional mailing for fiscal year 1990 in functional category 800 (general government) by \$100,000,000 and include an additional \$100,000,000 in new budget authority for fiscal year 1990 in functional category 750 (administration of justice) to be used by law enforcement agencies to enforce laws respecting the manufacture, importation, distribution, and use of illegal drugs; and to agree to section 11 of the senate amendment.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. FRENZEL] will be recognized for 30 minutes and the gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is a motion to instruct the conferees on the budget resolution.

There was one item which seemed to plague Members of the House more than others when we discussed the matter on the floor of this House and beforehand. That was we had not done enough in the drug war.

There appeared in the Senate resolution an amendment which diverted from the general government function, specifically, the congressional mailing account, \$100 million in new budget authority to be used in category 750, the Administration of Justice. The \$100 million is to be used for law enforcement agencies to enforce laws respecting the manufacture, transportation, distribution and use of illegal drugs.

Since the Senate number in this function was higher than the House number, it seemed to me that instructing the conferees would be a good way to insure that we could direct the largest possible amount of money under the budget resolution into the war against drugs. That was the reason for my making the motion to instruct.

Shortly after I devised this motion, the gentlewoman from Nebraska [Mrs. SMITH] produced another motion to instruct which had to do with accepting a Senate amendment to section 11 which expressed the sense of the Congress in opposition to a gas tax in this particular fiscal year. In bill form, her motion has some 240 sponsors. It seemed to be an appropriate part of the potential instructions, so I included it in my motion.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. FRENZEL. Mr. Speaker, I yield myself 2 additional minutes, and I yield to the distinguished gentleman from California [Mr. PANETTA], the chairman of the Budget Committee.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman has discussed this issue with me. Basically, there are two issues involved here. One is the request for additional funding for drug enforcement as contained in the amendment that was passed on the Senate side.

We think we would certainly give consideration to that in the conference with regard to this functional area. For that reason, I am prepared to accept it.

With regard to the other issues on the gas tax, while I have some reservations about limiting the Ways and Means Committee with regard to this issue, I think we recognize the reality

that with regard at least to this year and the fulfillment of reconciliation under this budget resolution, it is not likely that it would be part of that kind of package.

For that reason, Mr. Speaker, I have no objection to that portion as well.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his contribution and for the good point that this budget is unlikely to be involved in a gasoline tax.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge my colleagues to support the motion to instruct conferees offered by my good friend, Mr. FRENZEL.

I had originally planned to ask the House to defeat the previous question on the gentleman from Minnesota's motion. If the previous question had been defeated, I would have offered an amendment to the motion to put the House on record in opposition to an increase in the Federal excise tax on gasoline and diesel fuel.

However, Mr. FRENZEL has graciously agreed to include my amendment in his motion.

I feel those Members who must decide where the revenues required under the budget resolution should be raised need to know in advance that there is strong opposition to the use of fuel taxes to meet those general revenue targets.

House Resolution 41, a resolution expressing opposition to an increase in the Federal excise tax on gasoline and diesel fuel in order to reduce the deficit, now has over 228 cosponsors. The Senate has included identical language in their version of the budget resolution.

This motion instructs conferees to accept the Senate language.

Proposals during the past year to boost this tax have set rural America on its ear.

Surely you are aware that the astronomical cost of energy was a key cause of the financial crisis in rural America in the early 1980's. The energy factor played a role in combination, to be sure, with other well-intentioned but misguided Government policies that led to soaring inflation, skyrocketing interest rates, and low commodity prices.

Supporters of an increase in the gas tax argue that boosting gasoline taxes would raise the needed revenues, but my information is that it would significantly increase the drag on the economy to the tune of a billion-dollar loss in the gross national product [GNP] for each penny of additional tax.

Many of us look favorably on increases in excise taxes as a good place to raise additional revenue because

they are considered to be taxes over which people have control. If you choose not to purchase the product, you do not have to pay the tax.

To me, however, there is a difference between purchasing alcohol or cigarettes, say, and purchasing gasoline. I do not think gasoline is a luxury item.

Sharp regional inequities would immediately appear. In my home State of Nebraska, the people drive much greater distances than their city cousins.

According to an American Automobile Association study, if a 9-cent-per-gallon Federal tax was added, an average Nebraska family with two drivers would pay \$460.54 compared to the \$293.28 their counterparts from New York would pay in total State and Federal taxes. Why should Nebraskans pay significantly more to help balance the budget than residents of New York City?

Moreover, excise taxes like this hurt the poor the most. A January 1988 Congressional Budget Office report revealed that families in the \$20,000 and under income range spent at least eight times as high a percentage of their incomes for gas as do families with incomes of \$50,000 or more.

According to the U.S. Department of Commerce, Nebraska's per capita income in 1987 ranked 25th among the States, or \$14,341, compared to \$15,340 nationally. With our wide open spaces, plus our comparative low incomes, it is easy to see that residents in Nebraska would pay off a disproportionate share of the deficit if Federal gasoline taxes increased.

The Congress has never raised transportation user fees for nontransportation purposes. For over 30 years the highway trust fund has supported the Federal-Aid Highway Program, and I do not believe it is wise to divert highway trust fund moneys which are needed for road and bridge construction and repair.

Anyway, just raising taxes alone will do little to help reduce the deficit.

Without an effective control on aggregate spending, the deficit will fail to shrink significantly no matter how much taxes may be increased—on gasoline or anything else.

Adopting this motion will send a message that the Congress must find ways to resolve the Federal deficit that will not harm the Nation's economy or inequitably burden certain sections of our Nation.

I urge my colleagues to vote for the motion to instruct conferees.

□ 1350

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, let us take this option off the table. We do not need a gasoline tax. We do not need an income tax. Let us take all

taxes off the table. Let us take entitlements off the table, because surely we do not want people on Social Security contributing to the solution to our deficit problem. Let us take domestic discretionary spending off the table. Certainly veterans and others should not have to contribute to solving this national problem. Mr. Speaker, let us take defense off the table. Nothing is more important. It should not have to contribute.

Let us take them all off the table and let our children and grandchildren do the paying. Let us let the Social Security reserve pay for our irresponsibilities. Let us say all the things that we do not want to do to solve the deficit problem, and let us never say what we do want to do. Let us protect ourselves politically from every special interest group, and let us tell people that they can have all the services that they want in America, and they will never have to pay for them. They can make their children and grandchildren pay for them.

Mr. Speaker, no, I opt to leave everything on the table. We have to have the courage to say how we are going to address this problem, and all this Congress seems to be willing to do is to say what we will not do to address a problem that is a crisis for America, and that we have to have the courage to address and address soon.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just want to urge all of our colleagues to vote for this motion. I think it is a very sound and a very prudent motion. I think that it is a good signal to the conference and to the executive branch to take \$100 million out of the general government category and put it into law enforcement and try and stop drugs.

In addition, I want to thank the gentleman from Nebraska [Mrs. SMITH] for a very fine addition to this motion. I think it is very useful for all of us to go on record opposing any gasoline tax increase which might be applied to the general fund. We have a long tradition in this country of applying gasoline taxes only to the building of highways and to helping in transportation.

It would be a major mistake for us to get into the habit of taking gas tax increases and applying them to the General Treasury.

I want to thank both my colleague, the gentleman from Minnesota, and my colleague, the gentleman from Nebraska, and urge everyone to vote in favor of this motion to instruct.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to bring forth to this committee a proposition that is not in the budget resolution that was put on late Friday afternoon in the Senate. It is a proposition that is fairly simple. It is a proposition that says it is time that we begin to let senior citizens be productive. It is time that we need to begin to let senior citizens make a choice. If they want to be productive wage earners in this country, they ought to have the choice at age 65 to do it. It is an issue that is going to be discussed, I think, a great deal more on this floor of this House, but it is a time of an idea, and I would say that certainly I would urge the committee to take the conferees and take some time to look at this issue very seriously and to look at the issue of letting senior citizens at the age of 65 start to earn more than the \$8,000 limitation that is in their Social Security before they lose \$1 for every \$2 that they earn.

This is something that is blue collar, it is people who earn money, it is earned income, and it is not an issue of the country-club set being able to pay their dues. It is an issue that people who have to earn money to survive at \$18,000 or \$20,000 a year to pay the mortgage on their home, to buy the automobiles that they need for transportation, that they can earn the money that they can pay Social Security, FDIC taxes, that they can pay the added income taxes, that they can have a choice to go on private insurance instead of Medicare by being privately employed.

It is an idea whose time has come, and certainly I urge that the conference committee look at that.

Mr. FRENZEL. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, we all know that instructions on conferees are not binding. We also know that function totals and sense-of-the-Congress resolutions tend to get changed in the ordinary course of play. However, I think the instruction is worthwhile and will help the conferees as we attempt to bring out this budget resolution out of conference in the swiftest time possible.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of Mr. FRENZEL's motion opposing the use of a gas tax for the purpose of deficit reduction. Currently 226 voting Members and 3 Delegates of the House have cosponsored House Resolution 41 and are on the record against a gasoline tax increase for deficit reduction. This should not be interpreted as a lack of support for meaningful efforts to reduce the Federal deficit. However, a gasoline tax is the wrong way to do it. Such a tax is inflationary, pushing up the cost of production and distribution throughout the entire economy dependent on highway transportation. The resulting increased transportation

costs would be substantial and would impact on national and international markets.

Studies have shown that a 10-percent increase would reduce the gross national product by nearly \$10 billion, cut automobile production by 1.3 percent, and cost some 80,000 jobs in the first year and 180,000 in 3 years.

Everyone would be hurt, from the lowest-income gasoline users to the boardrooms of corporate America.

We all want a strong economy and a strong sound transportation system. I urge you to support this motion.

Mr. MINETA. Mr. Speaker, I rise in support of the motion instructing the House conferees to not increase the gas tax for deficit reduction.

The proposal by some to raise the Federal gasoline tax to help reduce the Federal budget deficit is a proposal that is wrong on its merits—and a majority of the Members of the House agree that it's wrong on its merits. That's why they have cosponsored House Resolution 41.

Such a proposal, if carried out, would break faith with the American people and could seriously imperil the ability of the highway trust fund to meet the needs of our transportation system.

The highway trust fund and the user fees which feed it have been responsible for building the most expansive transportation system the world has ever known here in the United States.

The gas tax was first levied in 1956 with the express understanding between the American people and the Federal Government that the trust fund would be used for transportation purposes only. To do anything less would be to take the trust out of the trust fund.

We must not break this faith with the American people. We must not look to raising the gas tax as some sort of expedient, ineffective and inappropriate stopgap in the sea of Federal red ink.

How could anyone even think of traveling down the road in the name of deficit reduction?

The answer is, "We can't." And with this motion resolution, we're now able to help ensure that we won't.

Mr. ANDERSON. Mr. Speaker, I rise in support of the Frenzel-Smith motion to instruct the budget conferees to oppose the use of gasoline taxes for deficit reduction.

All of the evidence clearly shows that the use of gasoline and diesel taxes to reduce the deficit would be regressive, unfair to rural commuters who do not have access to mass transit, and harmful to our economy.

Two hundred twenty-eight of my colleagues have joined me in support of House Resolution 41, opposing the use of motor fuels taxes for deficit reduction.

I urge those cosponsors to join me today in voting aye on this motion.

Mr. PANETTA. Mr. Speaker, I yield back the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Frost). The question is on the motion

to instruct offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. SMITH of Nebraska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 27, as follows:

[Roll No. 46]

YEAS—397

Ackerman	Dannemeyer	Hammerschmidt
Akaka	Darden	Hancock
Alexander	Davis	Hansen
Anderson	de la Garza	Harris
Andrews	DeFazio	Hastert
Annunzio	DeLay	Hatcher
Anthony	Dellums	Hawkins
Applegate	Derrick	Hayes (IL)
Archer	DeWine	Hayes (LA)
Armey	Dickinson	Hefley
Atkins	Dicks	Hefner
AuCoin	Dingell	Henry
Baker	Dixon	Herger
Balenger	Donnelly	Hertel
Barnard	Dorgan (ND)	Hiler
Bartlett	Douglas	Hoagland
Barton	Downey	Hochbrueckner
Bates	Dreier	Holloway
Bennett	Duncan	Hopkins
Bentley	Durbin	Horton
Bereuter	Dwyer	Houghton
Berman	Dymally	Hubbard
Bevill	Dyson	Huckaby
Bilbray	Eckart	Hughes
Bilirakis	Edwards (CA)	Hunter
Billey	Edwards (OK)	Hutto
Boehlert	Emerson	Hyde
Boggs	Engel	Inhofe
Bonior	English	Ireland
Borski	Erdreich	Jacobs
Bosco	Espy	James
Boucher	Evans	Jenkins
Brennan	Fascell	Johnson (CT)
Broomfield	Fawell	Johnson (SD)
Browder	Fazio	Johnston
Brown (CA)	Feighan	Jones (GA)
Brown (CO)	Fields	Jones (NC)
Bruce	Fish	Jontz
Bryant	Flake	Kanjorski
Buechner	Filippo	Kaptur
Bunning	Foglietta	Kasich
Burton	Foley	Kastenmeier
Byron	Ford (MI)	Kennedy
Callahan	Ford (TN)	Kennelly
Campbell (CA)	Frank	Kildee
Campbell (CO)	Frenzel	Kleczka
Cardin	Frost	Kolbe
Carper	Gallegly	Kolter
Carr	Gallo	Kostmayer
Chandler	Gaydos	Kyl
Chapman	Gejdenson	LaFalce
Clarke	Gekas	Lagomarsino
Clay	Gephardt	Lancaster
Clement	Gillmor	Lantos
Clinger	Gilman	Laughlin
Coble	Gingrich	Leach (IA)
Coelho	Glickman	Leath (TX)
Coleman (MO)	Gonzalez	Lehman (CA)
Coleman (TX)	Goodling	Lehman (FL)
Collins	Gordon	Levin (MI)
Combest	Goss	Levine (CA)
Conte	Gradison	Lewis (CA)
Cooper	Grandy	Lewis (FL)
Costello	Grant	Lewis (GA)
Coughlin	Gray	Lightfoot
Cox	Guarini	Lipinski
Coyne	Gunderson	Livingston
Craig	Hall (OH)	Lloyd
Crane	Hall (TX)	Long
Crockett	Hamilton	Lowery (CA)

Lowey (NY)	Payne (NJ)	Smith (NJ)
Luken, Thomas	Payne (VA)	Smith (TX)
Lukens, Donald	Pease	Smith (VT)
Machtley	Pelosi	Smith, Denny
Madigan	Penny	(OR)
Manton	Perkins	Smith, Robert
Markey	Petri	(NH)
Martin (IL)	Pickett	Smith, Robert
Martin (NY)	Pickle	(OR)
Martinez	Poshard	Snowe
Matsui	Price	Solarz
Mavroules	Pursell	Solomon
Mazzoli	Quillen	Spratt
McCandless	Rahall	Staggers
McCloskey	Ravenel	Stallings
McCollum	Ray	Stangeland
McCrery	Regula	Stearns
McDade	Rhodes	Stenholm
McDermott	Ridge	Stokes
McEwen	Rinaldo	Studds
McHugh	Roberts	Stump
McMillan (NC)	Robinson	Sundquist
McMillen (MD)	Rogers	Swift
McNulty	Rohrabacher	Synar
Meyers	Rose	Tallon
Mfume	Rostenkowski	Tanner
Michel	Roth	Tauke
Miller (CA)	Roukema	Thomas (CA)
Miller (OH)	Rowland (CT)	Thomas (GA)
Miller (WA)	Rowland (GA)	Thomas (WY)
Moakley	Russo	Torres
Molinari	Sabo	Torricelli
Mollohan	Salki	Towns
Montgomery	Sangmeister	Trafficant
Moorhead	Sarpallus	Traxler
Morella	Savage	Unsoeld
Morrison (CT)	Sawyer	Upton
Morrison (WA)	Saxton	Valentine
Mrazek	Schaefer	Vander Jagt
Murphy	Scheuer	Vento
Murtha	Schiff	Visclosky
Myers	Schneider	Volkmer
Nagle	Schroeder	Vucanovich
Natcher	Schuette	Walgren
Neal (NC)	Schulze	Walker
Nelson	Schumer	Walsh
Nielson	Sensenbrenner	Watkins
Nowak	Sharp	Waxman
Oakar	Shaw	Weber
Oberstar	Shays	Weldon
Obey	Shumway	Whittaker
Olin	Shuster	Whitten
Ortiz	Sikorski	Williams
Owens (NY)	Sisisky	Wilson
Owens (UT)	Skaggs	Wise
Oxley	Skeen	Wolf
Packard	Skelton	Wolpe
Pallone	Slattery	Wyden
Panetta	Slaughter (NY)	Wylie
Parker	Slaughter (VA)	Yates
Parris	Smith (FL)	Yatron
Pashayan	Smith (IA)	Young (AK)
Patterson	Smith (MS)	
Paxon	Smith (NE)	

NAYS—10

Beilenson	Green	Weiss
Boxer	Hoyer	Wheat
Early	Moody	
Garcia	Porter	

NOT VOTING—27

Aspin	Leland	Richardson
Bateman	Lent	Ritter
Brooks	Marlenee	Roe
Bustamante	McCurdy	Roybal
Conyers	McGrath	Spence
Courter	Mineta	Stark
Dornan (CA)	Neal (MA)	Tauzin
Florio	Pepper	Udall
Gibbons	Rangel	Young (FL)

□ 1416

Mr. DOUGLAS changed his vote from "nay" to "yea".

Mr. GARCIA changed his vote from "yea" to "nay".

Mr. HOYER changed his vote from "present" to "nay".

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks, and to include extraneous material, on the motion to instruct just agreed to.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The conferees will be named by the Speaker when he resumes the chair.

APPLIED TECHNOLOGY EDUCATION AMENDMENTS OF 1989

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 143 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 143

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such Act through the fiscal year 1995, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. Finally, Mr. Speaker, the rule provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Frost] is recognized for 1 hour.

□ 1420

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 min-

utes to the gentleman from California [Mr. PASHAYAN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 143 is an open rule providing for the consideration of H.R. 7, the Applied Technology Education Amendments of 1989.

The rule provides for 1 hour of general debate on the bill and the amendment in the nature of a substitute made in order in the rule. The hour debate is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule provides that it shall be in order to consider the amendment in the nature of a substitute reported by the Committee on Education and Labor and printed in the bill as original text for the purpose of amendment under the 5-minute rule and provides that the substitute shall be considered by titles instead of by sections and that each title shall be considered as having been read.

The rule further waives clause 7 of rule XVI, the germaneness rule, and clause 5(a) of rule XXI, prohibiting appropriations in an authorization, against the substitute. The Committee on Rules recommends these waivers in order that the substitute might be considered, since H.R. 7, as reported, represents major changes in the vocational education programs funded by the Federal Government and goes far beyond the scope of the introduced bill and, finally does contain certain appropriations for the programs created in the bill. Because House Resolution 143 is an open rule and Members will have an opportunity to amend those provisions of the substitute which do violate rule XVI and rule XXI, the Committee on Rules believes these waivers are fully justified.

House Resolution 143 provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. Finally, Mr. Speaker, the rule provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 7, the Carl D. Perkins Applied Technology Education Act, redirects and refocuses traditional vocational education for those students who will be entering an increasingly technologically sophisticated job market without the benefit of a 4-year liberal arts college degree. The pri-

mary focus of the changes in vocational education envisioned in H.R. 7 is the development of a coordinated academic and occupational education so that students entering the work force will be able to compete for those jobs requiring technical expertise in traditionally academic areas as well as occupational skills. The Committee on Education and Labor is to be particularly commended for the recommendation of the creation of a new "Tech-Prep" Program which would provide grant money to create 4-year programs linking the last 2 years of secondary school with the first 2 years of postsecondary school leading to an associate degree or 2-year certificate. This link between secondary and postsecondary education will provide students with the opportunity to develop expertise and competence in mathematics, science, and communications which will lead to job opportunities in an increasingly technologically complex work world.

Mr. Speaker, H.R. 7 provides the House the opportunity to bring educational reform to areas of education which have been largely ignored in the debates of recent years. I urge my colleagues to adopt the rule, which will provide ample opportunity for debate and amendment on the bill, in order that the House may consider this important legislative initiative.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 143 is an open rule under which the House will consider a measure that streamlines the process by which Federal funds are distributed for vocational education and increases the authorized amounts for these highly important programs.

The bill made in order by this rule, H.R. 7, reauthorizes the Carl D. Perkins Vocational Education Act for 5 years, and sets a spending target of \$1.4 billion for fiscal year 1990.

Mr. Speaker, Federal spending for vocational education is one area of our budget that should be increased, and I am happy to note that the Committee on Education and Labor has seen fit to modernize the complex set-aside provisions of the current law.

This rule provides that the committee's amendment reported from the Committee on Education and Labor will be the original text for the purpose of amendment, under the 5-minute rule, and that text will be considered by titles.

Mr. Speaker, this rule provides two waivers that are necessary if the House is to consider H.R. 7 in a timely manner and in the form it has been reported from the committee.

The first waiver is for clause 7 of rule 16, which prohibits nongermane amendments. The waiver is necessary because the Education and Labor

Committee used its routine reauthorization bill as the vehicle to make major improvements in this Nation's primary vocational education programs.

The second waiver is for clauses 5(a) of rule 21, which prohibits appropriations language in a legislative bill. This waiver is necessary because the Parliamentarian's office has interpreted the bill's provisions relating to joint funding as appropriations language.

Mr. Speaker, H.R. 7 encourages coordination among and between five Federal programs: Applied technology education, the Job Training Partnership Act, basic adult education, vocational rehabilitation, and the Wagner-Peyser Act. The bill provides that basic State grants for these five programs may be used to fund the new State Human Investment Councils created by the bill. The joint funding designated purposes for which appropriated funds may be used, and thus is an appropriation.

Mr. Speaker, as reported from the Committee on Education and Labor, H.R. 7 replaces the term "vocational education" with the term "applied technology education," to reflect the fact that this Nation's vocational education courses need to teach students the kinds of skills they will need to become our future work force.

A major school in my area of California, Fresno City College, has been innovative in the area of vocational and occupational education, especially in the effort for better coordination.

Two years ago, under the leadership of Leo S. Takeuchi, the dean of the Division of Technical and Industrial Education, the college began making formal agreements with local high schools in order to coordinate course offerings and improve students' ability to complete their vocational training.

This innovative program, known as "2 plus 2, plus 2," features 2 years of high school vocational classes, 2 years of community college vocational classes, and 2 years of university level vocational classes, all leading to associate degrees in over 60 programs.

Mr. Speaker, experts in the field of vocational and occupational education have been concerned for years about the degree of duplication and the lack of coordination between our secondary and postsecondary schools. In the Fresno area, 17 high schools now have vocational education programs coordinated with Fresno City College.

One of these is Sierra Joint Union High School, where Ray Rasmussen is a vocational education instructor. Mr. Rasmussen is the one who called my attention to the Tech-Prep Education Act, which is now title III of H.R. 7.

The Tech-Prep Education Act is a new Federal program to link secondary schools and community colleges so that sequences of courses can be of-

ferred that lead students to greater technical proficiencies.

Mr. Speaker, in many ways this new Federal program seems to be modeled on the innovations being carried, today and now, out at Fresno City College.

As Mr. Rasmussen told my office the other day, "there will be a tremendous need for technicians in the future, and if we are to compete with the Japanese and other foreign countries, we will need a work force with these skills. To do this, we need to improve the way we teach young people how to work and how to make a living."

Mr. Speaker, I strongly support H.R. 7 and I urge the House to adopt this rule so that we may proceed to the consideration of this very important legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I rise in support of both the rule and the bill with compliments to all Members involved on both sides of the aisle.

Mr. PASHAYAN. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I take this time simply because we have a limited amount of time when we get to general debate. I know that what bothers more people than anything else, I suppose, is change. No one likes change.

□ 1430

No one likes change. Everybody fears change. Yet we are at a time when technology is changing so rapidly that if we do not change the things we do in education, we are not going to be the competitive country that we once were.

In order to make sure that change does not take place, sometimes we, although not necessarily deliberately, spread incorrect information, and that is happening now. There are many people who are being contacted, I am sure, by States who do not want to see any change. I am sure there are many who are being contacted by organizations who do not want to see any change. But I think it is important that we talk a little bit about exactly what this bill does.

So many times we have written bills that are formula driven. We do not really look at it as to what we are going to accomplish and who is going to be helped; we just look in terms of formula. We ask, what does it mean to me? But that is not the way we are going to correct the problems we now have in education.

For 30 years we have talked about access, and rightfully so. Particularly in the vocational education bill, we have talked about access, because in

some areas access was a serious problem. When we began writing this bill, however, we asked the question: Access to what? And if we could not answer, "access to quality" or "access to excellence," then access was not good enough. So the first thing we tried to do is to reexamine those seven set asides we now have in the vocational education bill, which means that the grant is so small that no one can do anything very worthwhile. We had to find some way to assure those people that in those seven setasides they were being treated fairly, that they would be considered and at the same time given the flexibility so that the local school districts will get that money in a much better manner and will receive more money so that the grant is big enough that they can do something worthwhile.

So we said, "Let's drive the money to the local level." That is what we do in the bill.

I think a sad commentary is the fact that in some States 50 percent of their payroll in their own department of education is federally financed. That is a tragedy. We hardly send them any money in the first place. Those valuable dollars should be used to help young people and adults as well, and then we find that as a matter of fact they are paying their own State department employees out of those scarce Federal dollars. So we said, "Let's drive it to the local level."

Then we said, "Let's drive the money to the areas most in need." If I have 10-percent dropout or 5 percent in my district, that is one thing, and I should be concerned about it, but I cannot live in isolation. If there are other areas where there is 30, 40, or 50 percent, I should be trying to do something from the Federal level to assist them.

So we try to drive the money to the area of most need. That is what all the studies that we have seen have criticized us for in the past in relationship to education programs; they say, "You don't target it well enough." We think we have done that in this bill.

Then we have combined advisory councils. Let me point out that if you serve on an advisory council, that is the most important thing in the world; you do not get a penny unless you happen to be the person who is responsible for coordinating. So it is very, very important, but you say, "Don't mess with my council." So we said, "Gee, if you are all trying to do the same thing, whether it is JTPA or adult education or vocational education, shouldn't you be one united council? Shouldn't you be focusing on the problem rather than on your own little fiefdom?"

So we said that we would have one council, not a separate one for all the adult programs. Then we say, "We are not only going to cause you to work to-

gether, but we will give all sorts of incentives for business and labor as a partnership is developing good programs for the future."

Then, above all, we talk about program improvement. As I said, we asked ourselves, "access to what?" And the answer kept coming back that it has to be access to excellence. If it is not access to excellence, then simple access is not any good.

So we insure that the money must be used in order to produce program improvement.

Mr. Speaker, I think we have presented the Members with a very good bill, and I hope that as the debate goes on some of those things that people have been telling us will be things that we can show are not necessarily true, that they are speaking without facts.

Let me call one other thing to the attention of the Members. There was a misunderstanding, I noticed, on my side of the aisle from the whipping post which would have indicated that there were about 10 things the administration did not like, and that if all those 10 things were not changed, this would somehow or other be veto bait. The whip will be here later to indicate that they missed the real quote. It is veto bait if the amendment stays in that says we will dictate what OMB can do, and I would expect it would be vetoed if that happened. However, they did not mean it would be vetoed if all the things they do not think are as good as they could be are not corrected. So I would hope that my side of the aisle would disregard the first report, because the whip has a new one out and he will speak to that.

Mr. Speaker, I think we have a bill that all the Members on both sides of the aisle will be able to support. In all probability, many of the Members would be happy to know that all the local entities are very much in favor of the bill. That is easily understandable because we expect to hold them accountable. However, if someone has told us that we have now given the State the power to hand out the money but no power to do anything else, that is totally incorrect, because the State, first of all, must approve the plan. Now, if the State is approving a lousy plan, then I do not have much sympathy for the State. If the State is approving a plan where as a matter of fact the local entity has taken advantage of it a time before or time and again, I would not have much respect for those who are running the State show.

Mr. Speaker, I think we have a good bill, and I think that with a few fine-tuning amendments, it will be a bill that most of the Members will be able to support.

Mr. PASHAYAN. Mr. Speaker, if the gentleman will yield, let me thank the gentleman from Pennsylvania [Mr. GOODLING] and let me take this occa-

sion to point out that he is one of the leading Members who has labored so hard to make this bill the excellent bill it is today. Certainly the people of the 19th District of Pennsylvania have good reason to be proud of this Member.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I rise at this time because this is such a good bill that all the Members want to speak on it and there is very little time left available to the chairman of the committee during the general debate. So while normally I would wait until that time, I want to make a couple of remarks at this time on the rule.

Mr. Speaker, I have two principal reasons why I think this is the best vocational educational bill that we have considered in this House in the 25 years that I have been here. First, of course, I am very proud of the fact that my bill, H.R. 22, the Tech-Prep Education Act, which was introduced on January 3 and which now has over 120 cosponsors, has been made a part of the bill that is before us.

The Tech-Prep Education Act is designed to provide Federal support for linking high school and postsecondary technical training into a continuous sequence. It will help to give America a world-class work force. It will help give young people seeking productive careers, careers that will stay productive throughout their lifetime.

It was interesting to note that this week a prestigious study said we are facing a labor shortage in the near future in this country. Normally, we look at that and we say that means good things for people looking for jobs. No, quite the contrary. We will not have any shortage of people looking for jobs; we will have a shortage of people well enough trained to take the kind of jobs that are going to be available. And what Tech Prep Education attempts to do is to build on the experience we have had in the past and on some of the successful experiments that have taken place in my State to create people well enough acquainted with technology to be employable right out of school, and also to create people with a rounded education, an academic education, combined with what we used to call vocational education or technical education, that will enable them to grow with technology over their entire careers. They will not become obsolete when the next generation of technology comes along; they will be capable of growing into utilizing that technology.

□ 1440

Mr. Speaker, if we are really going to be competitive in this world, it is going

to be when we buckle down to the fact that just having outstanding engineers, and outstanding mathematicians and outstanding scientists is not enough. We have to have an outstanding work force that can put that technology to work and outproduce both in quality and volume everybody else that we are competing with in the world.

So, Mr. Speaker, I suggest to my colleagues that the support of this approach is in the enlightened self-interest of all Americans, and I am pleased to say it is a patriotic thing we can do, as well as doing the right thing for our young people's future.

Second, as the gentleman from Pennsylvania [Mr. GOODLING] has already indicated, this bill very dramatically reorients Federal policy toward vocational education. In the first place my colleagues will see that it is changing the name to use the word technology. My colleagues will find, if they go around this country, that unfortunately the words vocational education, have come to mean to entirely too many young people that the people who take that program are the ones who are not smart enough or good enough to consider precollege education. That is a very unfortunate set of circumstances, but it is not one of our design. It is just there.

Mr. Speaker, we intend this change in the name to be something substantive to indicate to the young people that we believe that an education in technology is something that this country needs and is a worthwhile place for them to put their efforts.

In addition, this bill puts more resources in the hands of local educators. It eliminates the redtape that now binds local schools and more clearly focuses Federal resources on creating high quality programs, and that is, as the gentleman from Pennsylvania [Mr. GOODLING] said, what we ought to be about, not just having more programs scattered all over the place, but have high quality programs that really produce for society generally and, for the young people who participate in them, a better result.

I would like to touch on one other point the gentleman from Pennsylvania [Mr. GOODLING] made. I hope that we do not see floating around the floor during general debate or at any other time in the consideration of the bill somebody's concocted computer print-out of who the winners and who the losers are under the formula. This is the first time we have ever devised a formula in our committee without reporting on who are the winners and who are the losers because that the committee on both sides in a really extraordinary show of bipartisanship has done in tailoring these formulas is to look at what is best by looking at the whole country and what is best within a State to make sure that the money is

getting to those school districts that need it the most.

Mr. Speaker, we have discovered in hearings that the system we have been operating under and are still operating under produces very disparate results. We found that in one State on the west coast everybody gets money, but the bulk of the money ends up with the school districts who need it the least, and the least money goes to the school districts that need it the most. We found one State on the east coast, New Jersey, where exactly the opposite result was produced using the same formulation. What we tried to do is what New Jersey is doing. We tried to do that for the whole country, and I believe, if we give this time to work, that it will produce that result.

Mr. Speaker, the Tech-Prep Education Act was born out of the recognition of five important facts about the technical training being given to America's young people. First, the workforce of the future will need increasing levels of technical skills. We will need large numbers of computer operators and programmers, laboratory technicians, nurses, dental hygienists, paramedics, travel agents, police officers, mechanics, welders and technicians in areas such as broadcasting, aerospace, electronics, heating, air-conditioning, instrument and appliance repair, robotics and waste treatment. As David Broder noted in a recent article, "Skill shortages, rather than job shortages, are likely to become the dominant labor problem of the future."

Second, high school vocational education, even when done well, does not provide a sufficient level of skills for most of the jobs of the future. Today, some education or training beyond high school is required for entry into about 50 percent of all job classifications. By the mid-1990's it is predicted that 75 percent of all job classifications will require some postsecondary education.

Third, training in the skills to get a first good job is not enough. Young people must have training and education that prepares them for the second, third, fourth and fifth job or career. They cannot stop the world and get off. They must be able to grow and change with the evolution of technology and the world economy. Therefore, they must know how to read, comprehend, compute, reason, analyze, communicate and solve problems.

Fourth, while most young people will need to continue their education beyond high school, the secondary and postsecondary educational systems frequently do not mesh smoothly. There is duplication and inconsistency as the two systems protect their turf and hold each other at arm's length. Consequently resources are frequently wasted and students are sidetracked rather than having their educational paths smoothed.

Finally, a great many high school students, particularly those in the general education curriculum, have no clear path either into further education or into the workforce. While existing vocational education programs are primarily designed to provide entry level jobs skills for those completing the 12th grade and the college prep curriculum usually leads students to a 4-year college, general education leads no

where in particular for a large number of students.

The Tech-Prep Education Act will establish a program of Federal matching grants to consortia of secondary and postsecondary institutions to encourage the implementation of 4-year tech-prep education programs linking the last 2 years of high school with the first 2 years of postsecondary education. Tech-prep education is a combined high school/postsecondary program which leads to a 2-year degree or certificate, provides technical preparation in at least one mechanical, engineering, industrial or practical field, provides a high level of competence in mathematics, science and communications and leads to job placement.

Tech-prep education will provide technical education beyond high school and combine occupational and academic learning so that students will have the capacity to grow and change in the workplace. In addition, since tech-prep education is a joint secondary/postsecondary program and only consortia of secondary and postsecondary institutions can apply, it will help break down the barriers between the two systems. Finally, it will give many more high school students a richer, more well structured, better integrated, more focused and more challenging educational program.

H.R. 7 is a landmark in Federal support for occupational and vocational education. It breaks with the past and creates Federal education policy to produce a workforce equipped for the future.

It directs more of the funds to the local level where students and programs need help. It substitutes for State discretion in the distribution of funds of formula to allocate funds to the local level more consistently and reliably.

It sends funds to the local level based on a formula that insures that areas with the greatest need for Federal support receive increased amounts of help. The General Accounting Office found that in many States relatively affluent areas were receiving far more Federal vocational education funds per student than low-income areas.

It provides that Federal funds will be used for clearly defined purposes which will improve the quality of vocational education. Instead of the 24 uses of funds in current law, H.R. 7 will support programs which integrate academic and occupational disciplines, which offer coherent sequences of courses leading to job skills and which are of sufficient size, scope, and quality to improve educational quality in the schools.

It assures that students who are economically disadvantaged, students of limited English proficiency, students with handicaps and women have access to vocational education and that they have any special services they need in order to succeed.

It streamlines the administration of the program, relieving the local schools of paperwork and matching requirements that were both unworkable and ineffective.

It provides for improved coordination of vocational education with the Job Training Partnership Act and other Federal education and training programs.

H.R. 7 responds to the criticisms of the Federal vocational education program that have been loudly voiced from the field, and it reflects the extensive research and recommendations of the National Assessment of Vocational Education, the General Accounting Office and the Office of Technology Assessment.

H.R. 7 also reflects the best traditions of the Education and Labor Committee in bipartisan cooperation to produce innovative and effective Federal education policy. I salute Chairman HAWKINS and Congressman GOODLING, the ranking minority Member, for their leadership in bringing this outstanding bill before the House. Special recognition should also be accorded to Jack Jennings, the counsel of the Subcommittee on Elementary, Secondary and Vocational Education, who pulled the strands of this legislation together and kept it moving with great legislative skill. I would also like to express my personal thanks to Birdie Kyle, formerly of my staff and now with Congressman RAHALL, who did the background work and laid the foundations for the Tech-Prep Education Act.

I urge my colleagues to support H.R. 7.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I take great pleasure rising today to voice my support for this legislation. H.R. 7, the reauthorization of the Carl D. Perkins Vocational Education Act, presents a solid framework for this Congress' commitment to the training and education challenges facing us today.

I have a great interest in this legislation, not only because of my father's life-long commitment to the improvement of vocational education, but also because of the fact that I believe in the mission of this program. I have seen the difference that it can make in the lives of students, out-of-work miners learning new skills, and many others that have directly benefited from this program.

The legislative work product that is now before this House is a result of many hours of truly bipartisan effort by the Committee on Education and Labor. We decided that if we were serious about restructuring this program in a manner that would really work, we must do it together. As a result the bill that you see before you is one that passed out of both subcommittee and full committee unanimously. There is support from both sides of the isle for the thrust of this legislation and the desire to provide quality training and education to this country.

I want to thank my chairman, Gus HAWKINS, and the ranking minority member, BILL GOODLING, for their leadership and cooperation on crafting this legislation. With their wisdom and experience leading our committee's efforts we have reached our goal of providing an improved framework for this program.

Because of the changes that we have made in the basic distribution of funds in this program there have been many questions raised and some misinformation has been distributed. As I have attempted to answer questions from other members I have found that once they understand just how the legislation is designed to work many of the misconceptions and concerns are being cleared up. Speaking as one of the few southern, rural members on the committee I want to assure my fellow southerners that this is a positive, and progressive bill that will fairly treat our region.

We have designed a formula that will target funds to the areas that are in the greatest need for assistance. By making sure that the Federal share of funds for vocational education, which only make up approximately 8 percent of the total pot, are targeted and driven down to the local school districts where they can do the most good for the students, we are getting the biggest bang for the buck. First, I want to assure everyone that we have made no change in the manner in which the funds flow from the Federal level to the States. Concerning the flow of funds within the State we have been able to craft the formula to consider populations of disadvantaged students, the handicapped, and total enrollments.

As we have worked through this legislation I made sure that the needed balance between urban and rural concerns for service were addressed. Vocational education is not designed for only one or the other. In this bill I made sure that the rural concerns about service and funding were properly considered. Some State level administrators may have reservations about the loss of administration and discretionary dollars. But it was agreed that those dollars could do the most good if they were driven down to the local programs for direct and immediate improvement of vocational education programs.

It is true we do away with the variety of set-asides that we found burdened the program's efforts to properly finance program improvements. But we continue to pledge our support for all of the special populations and have provided thorough and comprehensive language that will ensure their access and participation in the programs, but without the strict designation of set-aside amounts. The set-aside provisions were shown to be a meritorious idea but the practicality was not evident in the actual application. Schools were turning back in the dollars that they had been allotted for these populations and then none of the vocational education students in that program were helped.

We have also included a variety of ideas that will assist the comprehensive mission of vocational education

by: Creating new incentives for cooperation between industry and schools; having a grant program that will provide ties between secondary and post-secondary institutions to ensure a systematic flow for the training and education of participants; integrating greater coordination among a variety of Federal programs, and many other challenging ideas.

With the cooperation of my chairman and the ranking member I have included a provision in title III of this act that will provide grants for improvement of facilities and the acquisition of equipment to those areas with the greatest economic need. I have found in my visits to my area's vocational education facilities that we are attempting to provide training for jobs in the 1990's with facilities and equipment out of the 1950's and 1960's. I am here to tell you that it is not working. Because of this need I have included in this legislation a provision that will provide grants for these needs to areas with populations of economically and of educationally disadvantaged children, of 20 percent or higher.

We must be serious about this program if we are serious about training these students to compete in the world's economic market place of the 1990's and into the next century. If we are not committed to this effort then we should stay the course and not embrace these progressive changes. By closing our eyes and staying the course we will guarantee that our children will be on the sidelines watching the Japans, the Koreans, the Common Markets, and many others that we do not even know about yet making the economic decisions for them. I know that I do not want that for my son or daughter and I am sure that you do not want it either.

So to prevent this I am asking you to say yes to H.R. 7 and say yes to the positive and challenging changes included in this legislation.

□ 1450

Mr. PASHAYAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN], a member of the Committee on Education and Labor.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for yielding me such time as I might consume.

Mr. Speaker, I wish to speak in support of a technical amendment to section 247, "Cooperative Demonstration Programs," which gives the Secretary of Education discretionary authority to fund model demonstration programs in the area of vocational and technical education.

I want to thank both Chairman HAWKINS and Mr. GOODLING, the ranking member of the Education and Labor Committee, for including this

amendment in the committee amendments which will be offered today.

Last year, in the Omnibus Trade and Competitiveness Act of 1988, the House included new provisions under the Job Training Partnership Act for dislocated workers. These amendments included in the definition of dislocated workers those individuals who were self-employed, including farmers. Additionally, the amendments allowed the Secretary of Labor to conduct demonstration programs. Of the four programs listed in law, one provides for a dislocated farmer demonstration program.

My amendment broadens the scope of services provided by such a dislocated farmer demonstration program. It authorizes the Secretary to make grants to support model demonstration programs providing both counseling and improved access to applied technology education programs through Agriculture Action Centers.

Such centers will assist farmers, farm families, and individuals engaged in agriculturally-related businesses and industries who are facing, because of the continuing farm crisis, the loss of their land, their traditional means of livelihood, or agriculturally-related jobs in the rural business or industry sectors.

Dislocated farmers, their families, and dislocated workers in farm-related businesses and industries and a desperate need for crisis-management counseling and outreach services, to assist them in dealing with the financial and resulting psychological stresses and in making a transition to a new career.

My amendment includes evaluating vocational skills and providing counseling to enhance these skills; providing assistance in literacy training; training in job search and employment-seeking skills; training related to operating a business or enterprise; and on-the-job training, where possible.

Further, such agriculture action centers will provide centrally coordinated services in rural and sparsely populated areas. Worker dislocation occurs not only in the context of mass layoffs or plant closings, but can also occur in areas where virtually every aspect of the economy is tied to agriculture and farm commodity prices.

My amendment works in concert with the dislocated worker provisions in the trade bill and with programs authorized by the Rural Crisis Recovery Act of 1987. Furthermore, this amendment requires that these activities be coordinated with State and Federal activities operated under title III of the Job Training Partnership Act and calls for joint regulations to be developed between the Departments of Education and Labor.

Mr. PASHAYAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I want to join with my other colleagues this afternoon to congratulate our chairman, the gentleman from California [Mr. HAWKINS] for his courage and tenacity getting this bill to the floor today.

I found this reauthorization process gratifying because we were actually able to solicit and synthesize a vast amount of information and design a common sense blueprint for positive change.

This legislation and the vocational educational programs it supports in this Nation need to be elevated, and I think what the committee did will help to achieve this goal.

Mr. Speaker, one of the areas in which this elevation is most important concerns the level of academic competency that is achieved by students in vocational education programs. If vocational education programs, and their graduates, are to realize their full potential, they will need to obtain the same basic skill credentials that their counterparts in basic academic settings receive. Under the provisions of our bill only those programs that integrate both academic and occupational studies will receive Carl Perkins Federal funding. Academic and occupational competencies will be measured, enabling us to plainly see where improvements are necessary.

If vocational education programs are to be on the leading edge of larger national efforts to change the way we learn and train for our jobs, then this kind of approach, incorporating higher order learning skills, is absolutely essential.

There was a time when a man could go to work with a good attitude and a set of tools and earn himself a pretty solid living, but today a man or a woman in the workplace needs the full range of skills that our schools are able to provide them with. The old distinctions between blue and white collar work may today be forever blurred. This measure goes far to reflect that change in our schools as well.

I would also like to thank the Chairman and members of the committee for including in this package my amendment on teacher training and development. Teacher training and recruitment problems are endemic throughout our education system—1 million new teachers will be needed by the end of the century—but the problem is particularly acute in the vocational education field. Poor working conditions, a perceived lack of status of faculty and noncompetitive salaries in some places are preventing talented teachers from joining the system and

driving existing teachers into careers in business and industry.

The leadership development awards and professional development fellowships that are authorized under this bill—\$5 million—should go a long way towards building capacity into the system.

Let me finish, Mr. Speaker, by expressing my sincere admiration for the work that has been done on this bill. I would also like to express my gratitude to our ranking member, the gentleman from Pennsylvania [Mr. GOODLING] for his leadership in this process. I look forward to working with you and all our distinguished committee colleagues as the reauthorization moves forward.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 7, the Carl D. Perkins Applied Technology Education Amendments of 1989.

In the southern Illinois district which I represent, education and training aimed at preparing men and women for the job force is absolutely vital. The 22d district has the highest unemployment rate in the State and my constituents depend upon the skills training which the Carl Perkins program offers. We must be willing to provide opportunity for students whose gift is technical in nature just as we do for those with other kinds of skills.

I believe that H.R. 7 refines and improves the Perkins program. It is designed to get more money directly to those school districts which need it most, including rural communities. I have schools with kids who need this special kind of assistance, but the schools have trouble enough these days providing just the basics within limited budgets. This is the kind of coordinated Federal assistance that makes the most sense, because it gives students a chance to fulfill their potential and trains them for one of the most important responsibilities they will ever have, holding down a job. Since the program's matching requirements have been eliminated and the funds are less restrictive, there should be more money for schools with fewer resources.

In addition, the bill strengthens our commitment to integrating academic and technical training. My colleagues, Congressman SAWYER, Congressman PAYNE, and I, introduced H.R. 1787 to explicitly link technical and academic skills. As a former educator, I know that link needs to be strengthened, and I believe our bill does just that. The text of our bill was incorporated into H.R. 7, as were a number of others.

Congressman FORD's tech-prep program is undoubtedly one of the most innovative education bills. It integrates the last 2 years of high school technical training with the first 2 years of post-secondary training. The inclusion of H.R. 22 into this bill strengthens and expands the Perkins program.

My colleague, the gentleman from Kentucky, Mr. CHRIS PERKINS, is responsible for another important provision of the bill. He drafted the section of the bill which would provide Federal funds to allow schools to improve their technical education facilities and acquire new equipment.

The aim of my colleagues and I on the Education and Labor Committee was to draft a bill which would expand skills training, improve academic education for those students, and to improve access to technical education programs. I believe we have done that.

Let us show we care about students of varied interests and ability, and make a commitment to the students who form the bedrock of our economy and our communities.

I commend Chairman HAWKINS and the gentleman from Pennsylvania, Mr. GOODLING, for the bipartisan cooperation they have demonstrated throughout the process of developing this bill, and I urge all of my colleagues to vote in favor of its passage.

□ 1500

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I would like to enter into a colloquy with the chairman of the committee. In doing so, I would like to express my strong support for this legislation, but I have learned of a number of concerns which have been expressed by some specialists in the field of vocational education in my State, and I would like to know if the chairman would be willing to enter into a colloquy to address some of these concerns.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I am happy to yield to the gentleman from California.

Mr. HAWKINS. Mr. Speaker, yes, I am more than willing to enter into a colloquy with the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, concern has been expressed over the method of allocating Federal funds under the act. With the exception of sex equity and displaced homemaker funds, set-asides for special populations have been eliminated. It is my understanding that in changing the funding mechanism, the committee did not intend to harm Federal funding for other special populations and that all special populations will still

receive Federal funding. Is that correct?

Mr. HAWKINS. Yes, that is correct. What we have attempted to do under H.R. 7 is use a weighted formula to drive funds to local educational agencies and postsecondary institutions which serve large numbers of disadvantaged and handicapped students. It is the intent of the committee that Federal funds be used to provide special population students with the best vocational education available.

Mr. RICHARDSON. Mr. Speaker, the committee also abolished the State Council on Vocational Education and the State Job Training Coordinating Council and created in their stead a new State Human Investment Council. Some have expressed concern that a natural checks and balance guaranteeing quality vocational education has been eliminated and that the new council will be overburdened with the tasks of the two former councils. I understand that the committee believes there will be greater and improved coordination under the new council, thus insuring quality vocational education. Is this correct?

Mr. HAWKINS. Yes, that is correct. By having one council responsible for advising the Governor on activities under Federal job training programs, the committee believed Federal dollars would be used more effectively and efficiently in this critical area.

Mr. RICHARDSON. Mr. Speaker, I understand that authorization for adult training and retraining has been eliminated under title III of the act. Economic development in many States, including my State of New Mexico may be jeopardized unless adult training is included. I understand that the committee has included better and stronger provisions for adult training and retraining in the new act. Is this correct?

Mr. HAWKINS. Yes, that is correct. It was eliminated because it never received funding. However, adults enrolled in training programs in secondary schools are counted for purposes of allocating funds. Second, the post-secondary formula allocates funds on the basis of disadvantaged and handicapped students in postsecondary institutions as well as on the basis of general enrollment in these institutions. Finally, H.R. 7 authorizes the tech-prep program which provides funds to programs that integrate secondary and postsecondary vocational training.

Mr. RICHARDSON. Finally, Mr. Speaker, the term "academically disadvantaged" has been removed from the definition of disadvantaged. It is my understanding that Hispanics, native Americans, and women students who are currently participating under the definition of "academically disadvantaged" will still be able to partici-

pate under the new legislation. Is this correct?

Mr. HAWKINS. Yes, that is correct. Many States used the term "academically disadvantaged" to direct funds away from poorer school districts into wealthier ones. It is the committee's intent that funds can be used for services to "academically disadvantaged" students after funds have been allocated to schools and eligible postsecondary institutions based on the numbers of economically disadvantaged students, handicapped students, and general enrollment.

Mr. RICHARDSON. I thank the chairman for taking time to address these concerns. I urge strong support for this.

Mr. Speaker, I rise in strong support of H.R. 7, the applied technology education amendments which will provide critically needed Federal support of vocational education programs.

Last year a report entitled "One-Third of a Nation" drove home the fact that America is moving backward—not forward—in its efforts to achieve the full participation of minority citizens in the life and prosperity of the Nation. Education statistics corroborate this gloomy outlook. Native Americans have the lowest high school graduation rate of any minority group while the dropout rate for Hispanics has been estimated to be as high as 50 percent. Minorities have also sustained critical losses over the last decade in higher education. College enrollment of Hispanic high school graduates has declined from 51 to 47 percent while native American high school graduates have the lowest college enrollment at 17 percent. Black enrollment has also dramatically declined.

Because over 40 percent of New Mexicans are Hispanic and over 9 percent are native American, the negative trends reported in "One-Third of a Nation" have a disproportionate and serious impact on New Mexico. Vocational education is a practical and viable alternative for many of these youths. In fact, Federal vocational educational funding has allowed 150,000 New Mexicans to receive the education and training they need to be productive citizens.

I believe H.R. 7 will help these and other Americans receive the applied technology education they need to fully participate in the life and prosperity of an increasingly competitive society. More importantly, America's commitment and investment in vocational education will help us compete with our Asiatic and European neighbors in an increasingly international and global world market.

Having said that, however, I have learned of a number of concerns that have been expressed by specialists in the field of vocational education. Under current law, 57 percent of a State's grant is reserved for services to the handicapped, the disadvantaged, displaced homemakers, adults, and criminal offenders, as well as for sex equity programs. Because H.R. 7 retains the sex equity and displaced homemakers set-asides as they are in current law, yet eliminates the other set-asides, some have expressed concern that the bill's method

of allocating funds will harm funding for other special population groups.

I understand however, that the committee received testimony indicating that the set-aside system led to extremely small grants and marginal vocational education instruction. To avoid this critical problem, H.R. 7 uses a weighted formula to drive funds to local educational agencies and postsecondary institutions serving large numbers of disadvantaged and handicapped students. Additionally, under the act, recipients of Federal funds must first serve schools with the highest numbers of economically disadvantaged, handicapped, or limited English-proficient students. More importantly, the committee's goal in developing the weighted formula was to provide special population students with the best vocational instruction available.

H.R. 7 also abolishes the State Council on Vocational Education and the State Job Training Coordinating Council and creates in their stead a new State Human Investment Council. My second concern, thus, was that the committee inadvertently eliminated a natural checks and balance which guaranteed quality vocational instruction, and possibly overburdened the new council with the tasks of the two former councils. I understand, however, that the committee strongly believes Federal dollars will be used more effectively and efficiently by having one council responsible for advising the Governor. More importantly, by coordinating activities under one council, quality vocational instruction and education can be assured.

I also understand that the authority for adult training and retraining has been eliminated under title III of the act. Economic development in many States, including my State of New Mexico, may be jeopardized unless adult training is included. I understand the committee eliminated this program because it never received funding. More importantly, H.R. 7 includes better and stronger provisions for adult training and retraining in the new act. Specifically, adults enrolled in training programs in secondary schools are counted for purposes of the formula allocation, and the postsecondary formula allocates funds on the basis of disadvantaged and handicapped adults in eligible postsecondary institutions. Finally, H.R. 7 authorizes the Tech-Prep Program which provides funds to programs that integrate secondary and postsecondary vocational training.

My fourth and last concern is the removal of the term "academically disadvantaged" from the definition of disadvantaged and the accompanying fear that Hispanics, women, and native American students currently participating under the definition of "academically disadvantaged" may no longer be able to participate. I have been informed by the chairman of the committee that many States used the term "academically disadvantaged" to direct funds away from poorer school districts into wealthier ones. This trend was illustrated by a General Accounting Office finding that the San Ramon School District received 27 times as much funding per low-income student as the Oakland, CA, School District, a much poorer district with less than half the median family income of San Ramon.

It is, thus, the committee's intent that funds can be used for services to academically dis-

advantaged students after funds have been allocated to schools and eligible postsecondary institutions based on the numbers of economically disadvantaged students, handicapped students, and general enrollment.

Finally, I am pleased the committee has included provisions in H.R. 7 for native American vocational education that are similar to legislation I introduced early in the 101st Congress. Specifically, H.R. 7 will authorize a stable source of Federal operations funding for the only two tribally controlled institutions providing vocational/technical training to native Americans, the Crownpoint Institute of Technology in New Mexico, and the United Tribes Technical Center in North Dakota. These two institutions are the only Indian tribal educational institutions which are not provided for by Federal authorizing statute. Yet, in the face of astronomically high unemployment rates on the reservations, these institutions transform unemployed native Americans on our welfare rolls into proud productive citizens contributing to tribal and State economies.

Mr. FROST. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BARNARD). Pursuant to House Resolution 143, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7.

□ 1505

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such act through the fiscal year 1995, with Ms. PELOSI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it is my pleasure to bring before the House today H.R. 7, the Applied Technology Education Amendments of 1989, which amends and reauthorizes the Carl D. Perkins Vocational Education Act.

H.R. 7 is not routine, business as usual reauthorization. Instead, it is a comprehensive measure intended to adapt old-line vocational education thinking to the modern era of rapidly changing technology advancement and challenges. H.R. 7 will make vocational education relevant and consequential to change in today's labor force and in the increasingly complex marketplace of the future.

The Perkins applied technology education amendments are the result of several years of study of the effectiveness of our current vocational education system. We had many days of expert testimony from a broad array of organizations and individuals who have academic, practical, and employment expertise, went on several on-site visits and held forums, and incorporated ideas from the many suggestions of Members, from both sides of the aisle.

I would especially like to express my deep appreciation to the ranking minority member of our committee, Mr. GOODLING of Pennsylvania, who, as he always does, brought his creative expertise to our deliberations and provided his thoughtful leadership to our discussions on this bill.

With his help, H.R. 7 was unanimously reported from the Education and Labor Committee, and I believe the Members of the House will find that Democrats and Republicans, liberals and conservatives, and urban and rural Members alike will feel comfortable supporting this important measure.

The principal theme of our bill is that we can't go on with business as usual. While there are decent vocational education programs, in general, they are no longer acceptable because they are not adequately preparing the workers who will be called upon to increase our country's international competitive position. We simply cannot afford to maintain the status quo.

It has been estimated that over 60 million people are functionally illiterate in America today. More than one-third of the Nation's corporations must provide courses in reading, writing, and arithmetic, and the Army gives courses to bring recruits up to just the ninth grade level in reading.

It is pure folly to expect people who lack such basic education to be able to function properly in jobs that require technical skills, let alone the complex, technical requirements of the employment opportunities of the 21st century. Our Nation will never succeed in addressing this problem unless we are willing to put aside our many parochial interests and forge ahead in a coordinated and united effort to comprehensively prepare well-educated, skilled workers.

I am pleased to say the Perkins applied technology bill does just that.

While we continue Federal support for occupational education programs in the schools, we substantially revise and strengthen the current law in order to improve the provisions of programs at the secondary, postsecondary, and adult levels.

First, and most importantly, we require the integration of academic and vocational education courses so that students will be assured of learning both basic educational skills as well as job skills. This will provide employers with workers who can think critically, participate more in planning and decisionmaking, and adapt quickly to change.

This should also effectively end the harmful tracking of students into purely vocational courses, without the necessary supplementation of the equally important elements of the academic curriculum.

H.R. 7 retains the goal of serving special populations, that is, the economically disadvantaged, the handicapped, and the limited English-speaking, by replacing most of the burdensome set-aside requirements with a targeted funding formula. Eighty percent of the funds given to a State will be distributed by formula to the local level with needier areas receiving relatively more money. Access to programs by special populations will be assured at the local level by a results-oriented implementation and enforcement procedure.

All areas of our country, from the urban, inner-cities, to isolated rural areas, will gain from this more targeted formula, and the special populations, such as the economically disadvantaged and handicapped, will receive more funding.

H.R. 7 requires greater coordination between five Federal programs that are concerned with education, employment, and training. A new common advisory council will be formed, as well as encouragement of joint funding of Applied Technology Education, the Job Training Partnership Act [JTPA], Adult Education, Vocational Rehabilitation, and the Wagner-Peyser Act.

The Perkins Applied Technology Act also establishes a new "Tech-Prep" Program which increases coordination between high schools and postsecondary institutions, by linking the last 2 years of high school with 2 years of community college, in a sequence of courses intended to produce more technically proficient students.

In conclusion, changing the name of the Perkins Act, from vocational education to applied technology education, is not just gimmick. It is more than symbolic, for not only does it imply that we need more up to date and relevant job training and education activities, but it also signifies the emergence of a genuine transformation in the way we prepare students for the world of work.

As we know so well, it is never easy to embark on the road of change, but I believe this bipartisan bill represents a very big step toward enhancing the education and occupational training the workers of tomorrow will receive. I therefore urge you to vote for increasing our productivity, increasing our international economic standing, and increasing the education and skills of our most precious resource of all, our people.

I urge the Members to support passage of H.R. 7.

□ 1510

Mr. GOODLING. Madam Chairman, I yield 4 minutes to my distinguished colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. CONTE. Madam Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Madam Chairman, I commend the gentlewoman in the well for her fine work on this bill. As she knows, I happen to be a graduate of vocational education myself. I strongly support the bill.

Madam Chairman, I rise in support of H.R. 7, the extension of the Carl D. Perkins Vocational Education Act. As the proud product of the vocational education schools of my hometown of Pittsfield, MA, I have been one of the strongest advocates for vocational education in the House of Representatives. Year after year, including 1 year when President Reagan requested zeroing out all funding for vocational education, I have worked with my colleagues on the Subcommittee on Labor, Health and Human Services, and Education appropriations to sustain and expand funding for this vital program. I am pleased today to support a 5-year extension of the act.

I want to commend my colleagues on the Education and Labor Committee for the hard work and long hours that went into the legislation we have before us today. It has not been an easy task, but it is probably one of the most important bills we will consider during the 101st Congress.

The committee has attempted to craft a bill that would allow students to more effectively benefit from quality vocational education by granting local school districts and colleges more say both in how their allocations and the State shares should be used. Among the major improvements in the bill are the proposed new program of cooperation and coordination between the local high schools and community colleges—the Tech-Prep Program, the program of educational personnel development, the integration of traditional vocational and academic programs into one, and the new equipment and facilities program to help school districts improve their programs.

The committee also has decided to scrap most of the set-asides in the existing law. These set-asides have worked well in my State, and in many States, increasing the participation of the targeted population groups. I am not convinced that the committee approach to put in place a new formula for dis-

tributing the funding within States is the best way to go, but I am confident that we can work out the best possible approach as the reauthorization process continues. I understand that sufficient information does not currently exist either within the administration or in Congress to determine the actual effects of this new formula on individual school districts or counties.

Similarly, I am not convinced that vocational education as a term does not have enough stature or meaning to describe the kinds of education needed to prepare our young people for the 21st century. I am proud that I benefited from vocational education and I know that large numbers of young Americans feel the same pride each year as they apply the skills they learned in vocational education to the American economy. But this, too, can be adjusted during the rest of the reauthorization process.

Madam Chairman, I urge my colleagues to support reauthorization of the Carl D. Perkins Vocational Education Act.

Mrs. ROUKEMA. Madam Chairman, today we are considering legislation that not only reauthorizes an important program, but also makes fundamental changes to vocational education in an effort to create a more competitive work force.

Acknowledgments must be given to the chairman of the committee, the gentleman from California [Mr. HAWKINS] and the ranking Republican, Mr. GOODLING for the exemplary work they have done in advancing this solid legislation.

I am most hopeful that the changes we have made in the Carl D. Perkins Act to place the emphasis on applied technology will result in better teaching methods, better coursework and better preparation of students in the job skills they will need to enter an increasingly competitive work force. If we are to build a world-class competitive work force, we must prepare students in the best possible way to understand the skills they need, both academic and technical, to succeed in today's world economy. This is why I have and will continue to support programs that include the key ingredient of what I call on-the-job training. I believe this bill moves toward that goal by expanding apprenticeship arrangements with business, internships and education/business partnership programs.

In order to provide the skills needed for the future, we need to promote cooperation between schools, business and labor. The performance standards in this bill take technical education in this direction to ensure that the education provided will be an asset to both student and employer in a changing economy. In addition, the provisions of tech-prep will articulate secondary and postsecondary programs to enhance a quality and continuous course of study. The goal of all these programs must be to place our applied

technology students in the kinds of jobs upon which our economy depends.

While I generally support the changes this bill makes to improve vocational education, there is one very important and major change being made by this bill which concerns me. That is the new formula used to determine where Federal funds for applied technology will go. I applaud the effort to make necessary changes in the program to ensure that the funds appropriated are used to serve schools and students that need the most help. However, there is little evidence to show how the new allocation formula will actually affect vocational education programs in our congressional districts and States-at-large.

I will, therefore, be offering an amendment which will protect school districts suffering cuts under the new formula from being financially devastated. My amendment will give those areas that face cuts under the new formula a reasonable time to adjust to the decreased funding and to develop alternate resources to replace the funding cut by the new formula. I must stress that it only phases in the new formula, but does not violate the reforms of the set aside programs. This bill that makes such a fundamental change needs at least some solid assurances to prevent the gutting of vocational education programs in many areas of the Nation. I look forward to the debate on my amendment and urge my colleagues to speak out to support it.

Mr. HAWKINS. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Chairman, I rise in strong support of H.R. 7, the Applied Technology Education Amendments of 1989. Once again this Chamber is blessed with the task of approving a carefully crafted education measure presented to us by the distinguished chairman of the Education and Labor Committee, Gus HAWKINS of California. I offer my sincere congratulations to the chairman for a job well done.

I would also like to acknowledge the hard work of the distinguished ranking minority member of the committee, BILL GOODLING. Both of my colleagues should be proud not only of the content of H.R. 7, but also of the bipartisan spirit in which it is being presented to the House.

Additionally, I commend the staff of the Subcommittee on Elementary, Secondary, and Vocational Education, particularly the counsels on both sides of the aisle. Their tireless efforts have ensured that the measure before us is representative of the many competing interests that have come to the committee with recommendations for provisions in this vocational education measure.

The Applied Technology Education Amendments of 1989 hold the promise to vastly improve the delivery of vocational education services in America. Their enactment will provide the resources and incentives for our various State and local education agencies to deliver the instruction and services necessary to meet the challenges that our youth will face in the 1990's.

During the reauthorization process, the committee learned of several critical factors that seriously hamper the effectiveness of the Carl Perkins Vocational Education Act. As a result of the increased emphasis on academics in many communities, vocational education has been forced into a second-class status. If America is to remain competitive in the world community, if we are to have a labor force capable of meeting the challenges of technological advances, then our vocational education system must be geared to that goal. Unfortunately, as the committee discovered during its hearing and investigative process, many vocational education programs currently are not up to that task.

The proposed amendments contained in H.R. 7 clearly address those deficiencies and we on the Committee on Education and Labor believe they will foster the reform that vocational education needs. First and foremost, that reform requires that students have access to quality programs which utilize scarce Federal funds as efficiently as possible. The Applied Technology Education Amendments of 1989 do exactly that.

Just as we have instituted reforms in military procurement which seek to eliminate the purchase of over-priced items, H.R. 7 seeks to eliminate misdirected vocational education spending by driving funds to areas of greatest need. There is no excuse for affluent school districts to receive scarce Federal funds when economically distressed districts cannot garner needed resources to meet the needs of their students.

The redirection of vocational education funds has not, and will not, please everyone, especially those Members whose districts will receive less Federal assistance. To lessen the effect of that loss of funding, H.R. 7 provides a rolling hold harmless provision to limit the reduction to no less than 75 percent of the average of its allocation percentage for the 3 preceding fiscal years. While it is true that this mechanism continues to over fund affluent districts at the expense of distressed districts, its merit is that it is short lived and will give school districts time to prepare for reduced or increased Federal assistance as the case may be, and therefore utilize the adjusted funding in the most efficient manner possible.

I believe any attempt to modify this hold-harmless provision will only serve

to further the misdirected funding of vocational education that the committee seeks to correct.

While every aspect of this legislation merits recognition, due to my limited time, I would like to mention just a few. The first is the integration of vocational and academic skills. I believe this will not only improve the caliber and quality of instruction for vocational education students, it will also foster greater employability for them as well.

The establishment of a State human investment council to review the provision of services and the use of funds and resources under the Carl Perkins Applied Technology Act, ensures that they will be efficiently used. It will also apply to the Adult Education Act, the Job Training Partnership Act, the Rehabilitation Act of 1973, and the Wagner-Peyser Act, thereby providing a coordinated effort.

In closing Madam Chairman, I would like to mention an aspect of the measure before us which I previously had concerns over, namely, the elimination of set-asides for three special population groups—students with handicaps, students who are economically disadvantaged, and students with limited English proficiency. Given the historical nature of set-asides in vocational education, I must tell you that I had serious reservations on removing them.

However, during our deliberation on H.R. 7, we learned that those three set asides were clearly not working. In their place, there are stipulated clear assurances that access will continue to be provided to the programs for the three special populations the set-asides were meant to benefit. I am confident the assurances contained in the measure will work and that they will continue to address the needs of the three populations.

I urge my colleagues to support H.R. 7, not only with their words, but also with their votes.

Mr. GOODLING. Madam Chairman, I yield 3½ minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Madam Chairman, this is a very, very special day for all of us in the Congress because this is the day we will pass probably the most dramatic education reform piece of legislation to come before the Congress, at least in the last decade, and the gentleman from California [Mr. HAWKINS], and the gentleman from Pennsylvania [Mr. GOODLING], deserve a very special recognition for all of their work and contributions to this legislation.

This is the most comprehensive reform as well of vocational education that we have seen in some time here in the Congress. What we are doing is really making three major changes.

First and foremost, we are talking now about applied technology programs, not basic survey vocational education.

Second, we are talking about coordination in a way we never have before through the State Human Resources Councils where the vocational education, JTPA, adult education, and Wagner-Peyser councils are all going to work together to assure one comprehensive education program at the State level.

Third, and probably most important, we are under this legislation now going to be serving people, not quotas.

□ 1520

The reality is, ladies and gentlemen, that 57 percent of the people entering the workforce in this country in the decade of the 1990's are going to be minorities, special populations. We do not have a jobs shortage in this country; we have a skills shortage in this country.

This legislation seeks to empower each and every one of those individuals in the maximum degree possible so that every person will have a full opportunity to partake of the American dream.

Madam Chairman, I would like to call special attention to this fact and to a memo that has been written by the committee staff which I am going to request unanimous consent be included within my remarks in the RECORD because this responds to every one of the concerns about handicapped and all of the guarantees within this legislation for the handicapped population, 5 pages of specific references to where this legislation will assure the handicapped community more protection, more opportunities, and more empowerment than they have ever had before in the vocational education legislation.

In addition, we are making changes in the formula to assure that the money under this legislation will go to the areas based on need. That is exactly where our vocational education money ought to go.

We have provided an enhanced, in my opinion, sex equity displaced homemaker program and we are going to the local schools and we are saying we recognize even with the reforms of the last reauthorization the reality is that a number of districts still could not find it worth their while to participate.

In my congressional district, of 79 local education agencies unfortunately 36 of them did not participate in the previous program. We are talking what in the past has been seven different paperwork streams and consolidating them under this legislation into one major application.

Certainly that is the concept of reform whereby we are providing a contract for excellence. Under the con-

tract for excellence, "Show us that you have the commitment to academic improvement to apply technology excellence to full access for all of your school population and we will give you the flexibility to serve people and to promote education, not to meet quotas and paperwork."

Madam Chairman, I strongly recommend the passage of this legislation.

MAJOR AMENDMENTS PERTAINING TO STUDENTS WITH HANDICAPS

1. Section 101(e): State Human Resources Councils.—State Human Resources Councils established under this Act will review the provision of services and resources under the Rehabilitation Act and advise the Governor of methods of coordinating the provision of services and uses of funds under the Rehabilitation Act with programs under Adult Ed, Carl Perkins, JTPA, and the Wagner-Peyser Act. Such recommendations related to coordination must be consistent with the purposes of the Rehabilitation Act. (This council would replace the State Vocational Education Council. It is anticipated that this new council will be able to facilitate greater coordination across vocational education, rehabilitation, adult education, and JTPA programs.)

2. Section 104(c): Joint Funding of Federal Programs.—Funds made available to States under the Rehabilitation Act may be used in the joint funding of programs under the Carl Perkins Applied Technology Education Act, Adult Education Act, JTPA, and/or the Wagner-Peyser Act. Such use of funds from any act must be consistent with the purposes of that act, and a State would be prohibited from using any funds under one act to meet its level of obligation for a State match under another act. The primary purpose of this provision is to encourage pooling of resources so that services are provided in a timely and effective manner. The Rehabilitation Act requires a 80/20, State/Federal match. The Carl Perkins Applied Technology Education Act would have no match. JTPA requires a State match only on its administrative costs.

3. Section 105(2): Eligibility Under JTPA.—Handicapped individual is clarified to include an individual eligible for services under EHA.

4. Section 213: State Administration.—States would be required to assure access to applied technology education to student with handicaps between the age of 12 and the mandated upper age limit for special education in the State. (This includes students who drop out and wish to return to school.)

5. Section 217: Local Applications.—In Local Applications, applicants would be required to describe how they will, for special populations:

Provide access to good quality programs to students who are economically disadvantaged, students with handicaps, and students who are Limited-English Proficient. (Special populations).

Monitor programs of applied technology programs provided, and with respect to students with handicaps, this includes those with IEP's and those who have returned to school having dropped out.

Facilitate and promote effective transition of special populations; with respect to students with handicaps, the LEA may include a description of how it intends to access and use vocational rehabilitation counselors in providing such effective transition.

6. Section 218: State Improvement Plans.—In State Improvement Plans, States would be required to determine whether special populations have been provided access to quality programs. In addition these plans are required to specify many things that would have a positive impact on special populations such as the extent to which—

Academic and applied technology education are being properly coordinated for the benefit of students;

Schools and institutions are offering coherent sequences of courses leading to occupational skills;

Academic and occupational competencies are required by students who complete these courses;

Equipment, facilities, supplies, curriculum development, and teacher education are modern;

Access is provided to good quality programs for special populations; and

Data collected on proportionate numbers of special population students shall be evidence of compliance with the access provisions of the Act.

7. Section 122: State and Local Standards and Measures.—States would be required to develop performance standards for applied technology programs, and give additional incentives and adjustments to locals for serving special populations. These measures shall contain measures of learning gains and competency including competency attainment, job or work skill attainment, retention in school.

8. Section 201(a)(1)(A)(ii): Distribution of Assistance.—Twenty percent of the 80 percent of State funds to be distributed at the local level shall be based on the relative child count under the Education of the Handicapped Act for children between the ages of 6 through 17. (20% of funds distributed to postsecondary institutions will be based on the relative number of individuals attending such an institution receiving assistance from Vocational Rehabilitation funds.)

9. Section 202(a): LEA Uses of Funds.—States may only approve local programs and eligible institutions for funding that—

First serve schools that—
Have the highest numbers or percentages of students from special populations; and
Are offering programs in greatest need of improvement;

Provide applied technology education in a program that—

Integrates academic and occupational disciplines;

Offers coherent sequences of courses leading to a job skill;

Encourages students through counseling to pursue such sequences of courses;

Assists students from special populations to succeed through supportive services such as counseling, English-language instruction, child care and special aids;

Is of such size, scope, and quality as to bring about improvement in the quality of education offered by the school;

Enables students participating in the program to achieve both academic and occupational competence;

10. Section 203: Criteria for Services and Activities for Special Populations.—

The State board shall provide assurances that individuals who are economically disadvantaged, those with handicaps, and those who are limited-English proficient (the special populations) will be provided with—

Equal access to recruitment, enrollment, and placement activities;

Equal access to the full range of applied technology programs including occupationally specific courses of study, cooperative education, and apprenticeship programs.

With respect to handicapped students applied technology education programs and activities will be provided in the least restrictive environment in accordance with Section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized program developed under Section 614(a)(5).

With respect to handicapped students applied technology education planning will be coordinated among appropriate representatives of applied technology education, special education and state vocational rehabilitation agencies.

With respect to handicapped students the provision of applied technology education to each student will be monitored to determine that such education is consistent with the student's IEP.

11. Section 203: Assurances of Equal Access for Members of Special Populations.—The State Board shall assure that the requirements of this Act are carried out and will be under the general supervision of the persons responsible for education programs for special populations in the SEA and shall meet education standards of the SEA. With respect to students with handicaps, such monitoring shall be in conjunction, and in a manner consistent with, SEA supervisory authority authorized under Section 612(6) of the Education of the Handicapped Act.

The State Board shall assure with respect to handicapped students who have IEPs and rights and protections as authorized under Sections 612, 614, and 615 of EHA that such rights and protections are available to such students in applied technology education programs and the State Board shall assure with respect to students with handicaps who do not have IEPs that the rights and protections are afforded them under Section 504 of the Rehabilitation Act of 1973 are available to such student in applied technology education program.

13. Section 203(d): Participatory Planning.—The State Board shall establish effective procedures by which parents, students and teachers and area residents concerned will be able to directly participate in decisions that influence the character of programs affecting their interests and provide procedures by which such individuals may appeal decisions adverse to their interest with respect to a particular program.

14. Section 203(b): Provision of Information.—Each local educational agency shall have available for students who are members of special populations, at least 1 year before the students enter the grade level in which applied technology education programs are generally available in the state, but in no later than beginning of the ninth grade, information concerning—

Opportunities available in applied technology education;

Requirements for eligibility for enrollment;

Specific courses, special services; Employment opportunities and placement.

This information shall be provided to parents and students in a language and form which they can understand.

14. Section 203(c): Assurances.—Each LEA or institution that receives assistance under this Title shall—

Assess the needs of students participating in programs receiving assistance under this

title with respect to their successful completion of the applied technology education program;

Provide special services including adaption of curriculum, instruction, equipment and facilities designed to meet such needs;

Provide guidance counseling and career development activities conducted by professionally trained counselors who are associated with the provision of such special services;

Provide counseling services designed to facilitate the transition from school to post-school employment and career activities.

15. Section 334: Tech-Prep Education Program.—Secretary shall give special consideration to applications which address effectively the issues of dropout prevention and reentry, the needs of minority youth, the needs of youth with limited-English proficiency, the needs of youth with handicaps, and the needs of disadvantaged youth.

16. Section 421: Data Systems.—The data system developed by the Secretary shall include information related to services, placements and outcomes of students with handicaps who participated in applied technology education programs. A similar directive will be given to the National Center on Educational Statistics to do comparisons between applied technology education programs provided to nonhandicapped students and those provided to students with handicaps.

Mr. HAWKINS. Madam Chairman, I yield 2½ minutes to the gentlewoman from the State of Washington [Mrs. UNSOELD], a member of the committee.

Mrs. UNSOELD. Madam Chairman, I commend the distinguished chairman and the distinguished ranking minority member for a difficult job very well done.

With passage of this bill we are witnessing a shift in national priorities for the expenditure of scarce Federal education resources. It is a shift toward serving the poor first. That's not to say this bill only serves poor vocational students. It doesn't. But because of the new funding formula, the bill directs funding priorities toward the students who most desperately need a good, solid vocational education.

My own State of Washington fears the application of the new formula, and I share their concern to a limited extent. But as a member of the Committee on Education and Labor and as a coauthor of the bill, I believe we have done a good job in seeing that Federal funds will be distributed fairly. We have maintained as many dollars as possible right to the schools, reducing the moneys for State administration, but more for kids.

To those who are concerned with the new formula, we have responded by including a hold harmless provision. It guarantees school districts will not lose funds suddenly or dramatically. This will be phased in over a 3-year period.

I resist playing the formula-guessing game for several reasons. First, some school districts weren't able to meet Federal matching requirements so they turned their money back. That would make it appear that a school

district had a windfall from the new bill, when that's really not the case. H.R. 7 eliminates all matching requirements, enabling some districts to keep their money. Second, 3-year program improvement grants can throw the results off kilter, making some districts appear to lose huge sums, when in fact they did not.

In summary, I support the principle of the formula because it is fair. It targets scarce Federal funds to the poorest areas, and in light of budget constraints, it improves and strengthens applied technology education.

This has been a bipartisan effort and it should receive bipartisan support today. I urge my colleagues to approve H.R. 7.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. I thank the gentleman from Pennsylvania for yielding.

Madam Chairman, I thank the gentleman from Pennsylvania for his leadership on bringing this bill to the floor and I thank the chairman of the Committee on Education and Labor for his leadership in providing what is truly a bipartisan piece of legislation relating to the skills gap in this country. I take this time, Madam Chairman, to engage the chairman of the committee in colloquy regarding an amendment that was accepted into the legislation.

The Committee on Education and Labor adopted my amendment to section 422 of the bill relating to the National Occupational Information Coordinating Council. I would like to ask the chairman if it is his understanding that the National Occupational Information Coordinating Council is required to include in its committee a representative from the U.S. Department of Agriculture?

Mr. HAWKINS. Madam Chairman, will the gentleman from Iowa yield?

Mr. GRANDY. I yield to the chairman of the committee, the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. I thank the gentleman for yielding.

Madam Chairman, the answer is, "Yes."

Mr. GRANDY. Is it also the understanding of the chairman that in order for the committee to be successful it must make use of the contributions from the agriculture community, including the representative from the Department of Agriculture who, by law, holds a seat on the committee?

Mr. HAWKINS. Yes.

Mr. GRANDY. Is it also the understanding of the chairman that the Council uses data provided by the Office of Employment Security?

Mr. HAWKINS. Yes.

Mr. GRANDY. Is it also the understanding of the chairman that the data provided by the OES does not in-

clude data on businesses employing five or less individuals and those who are self-employed?

Mr. HAWKINS. Yes.

Mr. GRANDY. Is it also the chairman's understanding that employers in rural areas are predominately small, and fall into the category which the Council does not recognize?

Mr. HAWKINS. Yes.

Mr. GRANDY. Is it also the understanding of the chairman that there is a need, particularly in rural areas, for accurate data on agribusiness employment needs in order for the educational system to plan its programs?

Mr. HAWKINS. Yes.

Mr. GRANDY. Is it the chairman's understanding that under the terms of the amendment, the Council will be required to address the needs of the agribusiness field, including those employers previously not accounted for by the Council?

Mr. HAWKINS. Yes.

Mr. GRANDY. I thank the chairman.

Madam Chairman, I wish to express my full support for this piece of legislation. Agriculture, particularly vocational agriculture, is probably a stepchild among stepchildren when it comes to considering vocational education, and I hope that it too, under this legislation, will be included in the Applied Technology Amendments of 1989.

Mr. HAWKINS. Madam Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS], a member of the committee.

Mr. WILLIAMS. Madam Chairman, I would like to congratulate the chairman of this committee, Mr. HAWKINS, and the ranking member, Mr. GOODLING, for their leadership in developing this legislation. I appreciate the excellent cooperation I received from them and their staff in the amendments that I developed with Mr. GOODLING.

These amendments include the new State Human Resources Council, the performance measures and standards, the interdepartmental task force on coordination, the dissemination of program models, the use of matching funds, and uniform eligibility criteria.

I would like to take this opportunity to describe these amendments briefly. The new State Human Resources Council establishes a single State council to review the provision and coordination of services and the use of funds and resources under this act, the Job Training Partnership Act, the Adult Education Act, the Rehabilitation Act, and the Wagner-Peyser Act. This would be the only council authorized by these acts that Federal funds can support. Its purpose is to advise the Governor on the coordination of services and the use of funds and resources under these acts. It is my fervent hope that this amendment will effect the maximize utilization of

funds under these acts for the client's benefit. It is also my hope that the Ways and Means Committee will add the Family Support Act to this umbrella council.

I have also added an amendment to create a system of State and local performance measures and standards under this act. The desire and need for measures and standards was raised in the last reauthorization and urged by witnesses before this committee. At a minimum, this system must include measures of learning and competency gains coupled with a number of other measures including, competency attainment; job-work skill attainment or upgrading; completion of high school or equivalency or retention in school; and, articulation into additional training education or the military. This system should include incentives or weighted adjustment factors for serving targeted groups or special populations. This system would be implemented as a condition for financial assistance within 2 years of enactment.

I have also established an interdepartmental task force on the coordination of vocational education on the national level. This group would examine the data required; the common objectives, definitions measures and standards; and, the integration of research and development for the programs under the auspices of the State Human Resources Council.

In addition, the National Diffusion Network established under section 1562 of the Elementary and Secondary Education Act will now have the responsibility for disseminating exemplary programs and practices under this act.

I also added an amendment establishing that funds appropriated through the acts under the auspices of the State Human Resources Council can be used as matching funds for other Federal efforts.

Finally, I have amended both JTPA and the Vocational Education Act to assure that if one is eligible for one of these acts one is automatically eligible for the other.

□ 1530

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SMITH].

Mr. SMITH of Vermont. Madam Chairman, I simply would like to add my voice to the voices that have supported the work that Members, and our chairman, the gentleman from California [Mr. HAWKINS], have done together to write a bill which is a basic and thorough shift from the direction of the previous bill in response to the needs which the vocational students of this country, and in fact, the business community and employers and communities of this country need as we move into the 1990's and beyond.

I would specifically also like to thank both gentlemen for including in their package of amendments today what I would call a small statement for those few but important States, including the great State of Vermont which received so little Federal money under this excellent program that, in fact their attempt to reshift the focus from the Federal and the State to the school level, which is exactly where this goes and where it ought to go, but in so doing, left a few of the States with virtually no money to coordinate and manage the programs at the State level. I deeply appreciate their willingness to write in a floor at 250,000 for small States so that we can retain the value of refocusing the emphasis of vocational education to the local level and at the same time to retain the capacity to manage the programs at the State level which we need in our small States.

Mr. HAWKINS. Madam Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Madam Chairman, I rise in strong support of H.R. 7, the Applied Technology Amendments of 1989. I would like to commend Chairman HAWKINS and Congressman GOODLING for their work over the past months in drafting a bill that restructures and improves vocational education. I believe that H.R. 7 puts limited Federal vocational education money where it will be most effective—in the neediest areas of our Nation.

Madam Chairman, let me highlight two areas that I was especially involved in as we developed the applied technology amendments: the sex equity and displaced homemaker programs, and the Indian affairs section.

Madam Chairman, it was not necessary to make many changes in the sex equity and displaced homemaker sections because they work, and they work well. The committee did, however, create a competitive grant program at the State level for these two sections. We felt that the money for sex equity and displaced homemakers could be used most effectively if it were distributed competitively throughout the State. The committee also strengthened the role of the sex equity coordinator, the administrator who is responsible for overseeing these important programs.

Finally, in order to make sure that States are serving young women and displaced homemakers, the committee is asking the Department of Education to make oversight visits every 2 years, and we'll be asking the Government Accounting Office to do a study on how these programs work.

I also want to thank the chairman and the ranking minority member for their cooperation in fashioning title IV of H.R. 7. The bill authorizes three new Bureau of Indian Affairs activities, including a program of basic grants to tribally controlled vocational technical schools. This program, patterned after the highly successful tribally controlled Community Colleges Act, will provide basic financial support for these vital institutions. Title IV also encour-

ages the provision of vocational education services in Bureau funded secondary education programs, encourages economic development on reservations, and makes technical changes in the current authority for tribal competitive grants. This title continues the work of the committee in providing equal education opportunities in all phases of educational endeavors for the first Americans.

Madam Chairman, I wholeheartedly urge the House to support H.R. 7.

Mr. HAWKINS. Madam Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. WATKINS] for the purpose of colloquy.

Mr. WATKINS. Madam Chairman, I thank the gentleman for recognizing me for colloquy, and I want to engage the gentleman from California [Mr. HAWKINS] and the gentleman from Pennsylvania [Mr. GOODLING] in vocational schools.

I would like to state for the record that I am deeply appreciative of the spirit of cooperation I have received from the gentleman from California and the gentleman from Pennsylvania in their attempts to work with me to resolve my deep concerns about continued funding for good systems of area vocational schools, like we have in Oklahoma.

The gentlemen have done their best to work with me in the last 2 weeks since the bill was reported out of committee, making substantial changes in the way we fund vocational education programs across the Nation.

We have agreed to some amendments affecting area schools, but I feel we are still far from devising language that adequately addresses the need to insure continued, strong financial support for area vo-tech school systems which have proven to be successful, such as in Oklahoma.

Does the gentleman from California agree, and would he agree to work with me, our friends in the vocational education community, and our colleagues in the Senate in an attempt to develop some language that addresses the area schools issue even better than we have done thus far with these amendments today?

Mr. HAWKINS. Yes, I agree with the gentleman from Oklahoma that the issue of funding for area schools in those States which have strong area school systems is something we still need to perfect in this bill. I will remain open to all suggestions or alternatives to this language which the Senate may present.

Mr. WATKINS. I thank the gentleman from California, and would like to turn and also ask the gentleman from Pennsylvania, is he willing to work with me as we try to perfect this bill's language? I know he has been willing to sit down and talk to me about various aspects of this. Would he also agree to work with me and our colleagues to yet improve and perfect this language?

Mr. GOODLING. I would certainly assure the gentleman my cooperation, since the last amendment I offered in full committee, I stated that it is not the best, I am sure. We will be looking forward to those who have some better suggestions.

Mr. WATKINS. I appreciate the gentleman's remarks and willingness to work toward a resolution of this issue. To me, a spirit of cooperation and openness displayed by both the gentleman from California and the gentleman from Pennsylvania in working through this issue prove to me, I think we can come up with some better solution than we have now.

Hopefully, before the Senate completes consideration of the bill and it goes before the conference, we will succeed in developing that language that resolves some of these concerns and differences I have, and also some of the concerns that the people at the area vocational, technical schools around the Nation have.

So I thank the gentleman very much. I have always been a believer, and basically a product of vocational education, and we have an excellent program in Oklahoma. I hope they see fit we continue to improve on those systems.

Mr. GOODLING. Madam Chairman, I yield such time as she may consume to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Madam Chairman, I rise in support of this legislation. If we are going to remain a strong and viable player in this world, we must continue our support of vocational education.

Madam Chairman, I rise today in support of H.R. 7, the Applied Technology Education Amendments of 1989.

If the United States is to remain a strong and viable player in the increasingly competitive world marketplace, then it is essential the Federal Government continue its efforts to promote occupational education programs in the schools.

Vocational education has been an important part of Nebraska's educational system since 1917. For fiscal year 1989, Nebraska received \$5.5 million from the Federal Government for vocational education efforts.

While the Federal support is relatively small, the support Federal funds have given to 12 postsecondary schools and 149 secondary schools in Nebraska this year is key to a strong and diverse State program.

Vocational education is especially important in these changing times—for displaced farmers and ranchers, for women returning to the work force or joining it for the first time, and as the faces of business change in most of our communities.

While I rise in support of these efforts, I have some concerns with the different approach H.R. 7 takes in distributing Federal vocational education dollars.

Under H.R. 7, 80 percent of all funds a State receives would have to be distributed on a formula basis to local school districts and

postsecondary institutions. The remaining 20 percent of funds allocated to the States by the bill would be for State-level activities, State administration, and sex equity and displaced homemakers competitive grant programs.

This approach drastically changes the current program from one with a great deal of State-level discretion to one in which most Federal dollars flow from Washington directly to the school districts.

I am concerned that the new Washington-designed formula may not address and meet the needs of Nebraska school districts and the populations they are trying to serve.

My philosophy has always been that the "folks" back home are the ones who know how to distribute Federal funds in the most efficient, responsible, and effective manner, not the Federal Government. The needs in Nebraska may be quite different from the needs in, say, California or New York.

In addition, essential statewide activities such as personnel development, curriculum development, research, and technical assistance could be curtailed by a 5-percent set-aside.

I hope the committee will closely monitor the impact of the new formula and will move quickly to alter it should it prove detrimental.

I have also heard concerns regarding the proposed Human Resources Council, which is designed to review the services and resources provided by Adult Education Act, Perkins Applied Technology Act, Job Training Partnership Act, Rehabilitation Act, and the Wagner-Peyser State employment office program. The magnitude of the task assigned to this new council could be overwhelming.

Despite these concerns, I was pleased that a section dealing with professional development has been included in H.R. 7. The section establishes leadership-development awards and professional-development fellowships. Many vocational education "experts" are retiring and there is a need to develop new leadership in the field. This section should go a long way to ensuring a strong, competent, and dedicated vocational teaching core in the future.

The investment we make in education today will be paid back with interest tomorrow. A nation of citizens with skills and training of their choice is a strong nation.

So, I urge my colleagues to join me in closely monitoring the effects of the changes proposed in H.R. 7 to ensure they meet the demands of the future job market.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Madam Chairman, I rise in support of H.R. 7, the Applied Technology Education Amendments of 1989 to the Carl D. Perkins Vocational Education Act. There are three principal reasons why this legislation is good Federal policy. First, Federal funds would be targeted to populations with the greatest needs, but not in the form of set-asides that are small, unmanageable pools of funds. Second, school administrators would be provided new

flexibility in developing good educational policies. And third, H.R. 7 would directly increase access for students with handicaps to meaningful vocational education programs. Although, I support H.R. 7, I strongly oppose the provision pertaining to negotiated rulemaking. Such an approach to developing regulations is very burdensome, especially expensive and time consuming, and does not lead to better regulations. I would now like to elaborate on these, several points.

First, funds are targeted to need. The amendments in H.R. 7 constitute a fundamental restructuring of how Federal dollars would be disbursed for vocational and technical education. This restructuring is consistent with ongoing efforts to make America more competitive in world markets.

Through H.R. 7 the focus would shift from policies and programs previously driven by elaborate, cumbersome set-aside allocations, to a distribution formula which would target Federal dollars to communities and populations most in need of assistance. Federal dollars would further serve as incentives for improving particular aspects of vocational education programs.

Making this shift was not easy and initially not universally endorsed by all of those that would be affected, however, the basis for the change was not conjecture—the National Assessment of Vocational Education, two GAO studies, a national longitudinal study of the transition of students with handicaps from school to post-school opportunities, and numerous hearings, briefings, and site visits served as the basis for this shift in funding. This shift in funding was made because set-asides have failed.

For economically disadvantaged and handicapped students, these various sources of information described at best a marginal picture of today's vocational education programs. The students we expected to benefit under current law have usually only partially benefited and sometimes not at all.

They participated in programs, but often did not have access to a sequence of courses leading to an occupational skill. We anticipated that set-aside dollars would benefit targeted students. However, neither dollars nor priorities resulted in consistent, demonstrable benefits for students. We assumed that academic needs would be systematically addressed in conjunction with vocational needs. Unfortunately this was not the case. With respect to students with handicaps, in one study for example, 75 percent of the students were below the high school level in reading and math skills, and 25 percent were below the 4th grade level in these areas.

Members of the Committee on Education and Labor found this status quo unacceptable, and worked together in

a bipartisan effort to seek strategies and policies that would help students more effectively benefit from vocational education by clearly, directly targeting dollars to areas of need.

H.R. 7 does just that. Let me illustrate. Under current law 57 percent of the Federal money goes to local school districts in the form of a number of set-asides. The State controls the other 43 percent. H.R. 7 would require that 80 percent of the dollars be spent in schools and institutions with high concentrations of students who are economically disadvantaged, who are limited-English proficient, and who have handicaps.

Such a shift makes programmatic, economic and practical sense, since a majority of our future labor force will come from these groups.

Second, H.R. 7 would allow vocational education to evolve in two important ways. Local school systems and postsecondary institutions would both have a voice in deciding the State's use of Federal vocational education dollars and local administrators would have more flexibility in how their share of the dollars would be used. These two factors would directly contribute to more progressive vocational education systems at the secondary and postsecondary levels.

I believe that the flexibility provided to local administrators through H.R. 7 would be especially beneficial for students. As I have indicated, under this bill, eligible districts must first serve schools in the greatest need of improvement in vocational education and with the highest concentrations of special students—those who are economically disadvantaged, who have handicaps, and who are limited-English proficient. Moreover, such schools must offer integration of academic and occupational disciplines; sequences of courses leading to occupational skills, counselors, special forms of assistance for targeted students; and finally, such schools must enable a student to achieve both academic and occupational competence.

H.R. 7 not only would require such improvements it would delete provisions in current law that would limit the ability of administrators to provide such quality elements in their programs. Under current law, set-asides have caused such excessive paperwork as to create a disincentive for applying for Federal vocational education dollars. In addition, in some instances, set-asides have caused funds to be distributed in such limited amounts that little positive impact can be identified or demonstrated. Finally, current law imposes matching requirements that sometimes cannot be met, forcing administrators to return Federal dollars and thus as the result, students remain unserved or underserved.

In sum H.R. 7 would offer local school districts more Federal money to

be concentrated in their poorest schools and to serve as an incentive to improve programs in which economically disadvantaged, handicapped students, and limited-English-speaking students participate. In other words, it would provide administrators with additional flexibility and put them in a better position to provide quality education programs to more students with the greatest needs.

Third, I would cite specific ways in which students with handicaps would benefit from H.R. 7. If H.R. 7 were enacted, such benefits would be numerous, varied, and pervasive, and stand in stark contrast to what results under current law.

Under current law 10 percent of the State's funds must be allocated to the excess cost needs of students with handicaps in vocational education programs. These set-aside funds can only be used if a 50-percent match is provided from another funding source for such excess costs. In H.R. 7, 20 percent of a district's allocation would be based on the number of handicapped students, but use of these funds would not be restricted. Instead, an LEA would be required to provide vocational education to any handicapped students.

Under current law there are no specific incentives for coordinating the uses of funds across programs and agencies that do or could serve students with handicaps. In H.R. 7 there are, through two provisions—the creation of a State Human Investment Council and an optional provision to pool resources from several Federal grant programs to provide vocational education.

In current law there is no protection for students with handicaps who leave school and then wish to return to take vocational education courses. In H.R. 7 protections for students with handicaps have been clarified. The State Board of Vocational Education would be required to ensure access to vocational education for any students with handicaps between 12 years of age and the mandated upper age range for special education in the State.

Under current law LEAs are not required to describe in their applications for funding how they intend to serve students with handicaps in vocational education, nor how they intend to assist such students make the transition from school to post-school opportunities. In H.R. 7 they must.

Under current law no money goes to postsecondary institutions based on the number of vocational rehabilitation clients who are enrolled. Under H.R. 7 it would.

Under current law neither State nor local vocational education personnel work with special education personnel to monitor the access to and quality of vocational education provided to stu-

dents with handicaps. In H.R. 7 they must.

Under current law the data system that would have provided information about students with handicaps was not implemented by the Department of Education because of its excessively burdensome characteristics. In H.R. 7 there are practical provisions which allow for using existing data systems as well as survey techniques that are not burdensome. All of these options would include information on students with handicaps. In addition, in the chairman's floor amendments package he includes a 3-year GAO study of services provided to such students and other special populations, so that we will be able to assess the impact of these amendments on disadvantaged, handicapped, and limited-English proficient students.

Finally, I would like to address the negotiated rulemaking provision in H.R. 7. This provision and the issues it raises have developed since the full committee markup. They are particularly of concern to the administration. H.R. 7 would require the Department of Education to develop Federal regulations on this bill through a negotiated rulemaking process. The administration strongly opposes this provision. Moreover, this issue was not considered by either the subcommittee or the full committee during the hearings or the markups on H.R. 7. An amendment will be offered to strike this language from the bill.

Many of us are alarmed at the delay in the implementation of H.R. 5; however, the negotiated rulemaking process required by H.R. 5 on several key issues has contributed to that delay. In addition, an independent study concluded that negotiated rulemaking is an ineffective strategy in large Federal education grant programs.

This is not an area that should be considered as being for or against the administration. It is a common sense issue and a constitutional issue. While negotiated rulemaking may be a useful rulemaking option, it should not be mandated by Congress. Such a mandate is an unnecessary and an unconstitutional intrusion by the Congress on the executive branch.

It is unfortunate that this issue was not considered by the committee; however, I urge my colleagues to support the amendment to delete this provision. The retention of the negotiated rulemaking provision in H.R. 7 is a bad precedent.

Notwithstanding the provision on negotiated rulemaking, I think that H.R. 7 is good public policy. It demands accountability with flexibility, promotes quality programs for students who have traditionally been underserved, and would put us in a better position to compete with our trading partners. H.R. 7 targets funding to those schools with greatest needs, pro-

viding sufficient flexibility for educators, and assuring students with special needs access to the system.

In closing, I wish to thank our chairman and my colleague from Pennsylvania for drafting such excellent, future-oriented legislation, and to recognize the extensive, bipartisan staff work on H.R. 7. I urge my colleagues to join me in voting for the passage of this bill.

□ 1540

Mr. HAWKINS. Madam Chairman, may I inquire as to the remaining time?

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] has 12½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 14½ minutes remaining.

Mr. HAWKINS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Ms. PELOSI, Chairwoman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such act through the fiscal year 1995, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 106, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1990

The SPEAKER. The Chair announces the appointment of House Conferees on the concurrent resolution (H. Con. Res. 106) setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, as follows: Messrs. PANNETTA, FOLEY, RUSSO, JENKINS, LEATH of Texas, and SCHUMER, Mrs. BOXER, and Messrs. SLATTERY, OBERSTAR, FRENZEL, GRADISON, GOODLING, THOMAS of California, BUECHNER, and HOUGHTON.

APPLIED TECHNOLOGY EDUCATION AMENDMENTS OF 1989

The SPEAKER. Pursuant to House Resolution 143 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill H.R. 7.

□ 1544

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole on the State of the Union for the further consideration of the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to extend

the authorities contained in such act through the fiscal year 1995 with Ms. PELOSI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Madam Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Madam Chairman, I would like to congratulate my fellow colleagues on the Committee on Education and Labor for the fine job they did on the reauthorization of the Carl D. Perkins Vocational Education Act. I believe that the Hawkins-Goodling substitute amendment to H.R. 7, which awaits consideration by the full House today, more than adequately meets the challenge that applied technology education faces as the American work force prepares to enter the 21st century.

As you know, it was the original intent of this body to design the Perkins Act to generally strengthen and improve the quality of national vocational education and, more specifically, to expand those vocational opportunities to special populations. Then Congress believed, as we do now, that vocational education was "essential to our future and best administered by local communities, and community college school boards, where the primacy of parental control can be emphasized with a minimum of Federal interference. Then and only then, should non-governmental alternative links between public school needs and private sector sources of support be encouraged and implemented." Unfortunately, the precedents of failed regulation and implementation of previous vocational education laws, precluded even the Perkins revision from translating into workable programs.

Nationally, the problem was twofold: A weakening of statutory provisions after enactment, subsequently leading to irregularities in the distribution of money, and the lack of definitive guidance from the Department combined with the vagueness in congressional intent. The Hawkins-Goodling substitute, however, would attempt to solve the problems inherent in the current law by increasing the access for traditionally underserved groups while simultaneously reformulating the curricula to provide those students with a better well rounded education.

Primarily, the new title, "The Carl D Perkins Applied Technology Education Act," definitively reaffirms the mainstay of Congress' intent: to provide citizens with access to quality vocational education programs in order to enhance the quality of the Nation's work force for the future. It helps to redirect our focus by signifying that modern relevant job training will be the only education offered under the

new law. Moreover, the shift in emphasis to applied technology lends a fundamental strength to the amendment by improving the image of vocational education generally. Under the guidance of applied technology we send a signal to the nation that Congress intends to reconcile vocational education through innovative policy. Applied technology is one such innovation.

Second, the substitute would make more substantive changes in the old law by specifying a clear use of Federal funds. The amendment provides a new and innovative distribution formula that would drive the money directly down to the local education agencies most in need of Federal assistance. This new allocation formula would then allow those local schools to offer quality of programs to those students who are indeed economically disadvantaged, handicapped and have limited-English language proficiency. In other words, it reaffirms the Federal Government's commitment to the undeserved.

Equally important, this amendment would require schools to enhance the quality of the programs in order to continue to receive funds. By limiting the use of Federal funds to schools that integrate academic and occupational education, Congress ensures parents that, while enrolled in a program of applied technology, students would actually learn basic academics while they acquire job skills for future labor market placement. In addition, this amendment incorporates a "tech-prep" program that encourages coordination between high schools and community based colleges in order to allow students to proceed in an expeditious manner to achieving a higher level of skills necessary to succeed in today's competitive job market. Through the passage of H.R. 7, we ensure America of a better prepared worker for a better prepared labor force, to fight the better prepared international trade fights that lie ahead.

Third, this amendment mandates a State human investment council to guide over the combined State and Federal effort to provide quality vocational education. This council, comprised of State and local representatives from every walk of life, would propose recommendations to State administrators on program quality, equal access to quality programs and proper distribution of Federal discretionary funds. Also a welcome improvement.

As a final note, I would like to add that I have always believed that progress in American society usually began with the innovation and pride of its citizens. It is for that reason why I would like to bring attention to the New Jersey Vocational Division for their progressive thinking regarding vocational education. They displayed the leadership and public responsibility

that has become a national model and an impetus to this amendment. It is not surprising then why I believe H.R. 7 to be that kind of public policy-making that the Federal Government should be supporting. Because, essentially, it will be the degree of our commitment and perseverance to innovation, that will make the success or failure of all education reform for the 1990's. So I urge all of my colleagues here today to join me in giving full support to the Hawkins-Goodling substitute to H.R. 7, the Carl D. Perkins Applied Technology Act of 1989.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I rise today to express my support for H.R. 7, the Applied Technology Educational Amendments of 1989. I have always been a strong supporter of vocational education programs and I consider the reauthorization of this law one of the critically important educational imperatives of the 101st Congress. H.R. 7 addresses our continuing need to assure accountability in program quality and student achievement, program improvement, simplification and enhanced flexibility in program administration, coordination of vocational education and economic development, and concentration on serving those in greatest need.

But I am also concerned that H.R. 7 goes too far in reducing the authority and responsibility of States to manage their own programs. A perfect case in point is the example of how the bill has the potential of adversely impacting the universally praised Board of Cooperative Education Services [BOCES] Program in New York State; a model for vocational educators across the Nation.

For 40 years, BOCES has provided a variety of quality vocational education programs to clusters of school districts which they otherwise couldn't individually afford. Now, with the revised funding allocations in H.R. 7—70 percent for chapter 1, 20 percent for handicapped services, and 10 percent for K-12 enrollment—BOCES programs have essentially been cut out of direct participation.

This amendment would extend the whole harmless provisions of H.R. 7 from 2 to 5 years, with a rolling 85-percent allocation to those areas—Buffalo and Syracuse, just to name a couple of potential candidates from New York—that sustain large decreases under the new formula. In order to control runaway spending, the amendment also contains language that limits an area's increase to 150 percent of its prior year funding.

But I am here more to praise H.R. 7, than to help bury it. The United States faces unparalleled economic challenges in today's world. The Asiatic countries of the Pacific Rim are

surging forward, capturing markets America has long taken for granted. Furthermore, the Emergence of a united Europe in 1992 threatens American access to the economies of our historic trading partners.

The distribution of too many small grants at local levels may create more vocational-education programs, but they will certainly be far less effective than BOCES has been. In effect, New York State might be penalized for being out in front of the pack. Why?

Perhaps the answer lies in the fact that the new formula was compiled from incomplete data taken from an unfinished GAO report. This report reviewed the vocational education programs of only 6 States and 20 local agencies. Yet the committee has based its reauthorization of H.R. 7 substantially on this information, taken a broad brush approach to an issue that requires much more detailed research.

I am supporting Congresswoman ROUKEMA's amendment because it provides some relief to those areas who are coming out on the short end of this bill and I am encouraged by the colloquy among the chairman, vice chairman, and Mr. WATKINS of Oklahoma, on this matter.

So our country must accomplish more than ever; get the most out of the one resource we can always count on: the American people. Improving the education of Americans is a prerequisite to advancing our economic well-being. Improving the occupational education and training offered in our schools is a key component of this effort.

Half of our youngsters will not go on to college after finishing high school. These are the people that must be educated in job skills before they leave the formal educational system, because it is a fact that most of them will not be back. Furthermore, the average worker will have to change jobs six times over the life of his or her career; these people must be educated in order to be retrainable. The Department of Labor indicates that 80 percent of all new jobs will be in the vocational education area.

The 21st century is only 127 months away. If we hope to have a work force that will be competitive, we must help our country's vocational education system meet those needs. H.R. 7, with modifications to consider the unique needs of individual States, can be our vehicle to achieve that reform.

□ 1550

Mr. HAWKINS. Madam Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Chairman, I rise to express reservations about H.R. 7 as it is currently drafted. This bill, overall, will do a great deal to improve the quality of

our Nation's vocational education programs. However, the bill contains a number of inequities as it is currently drafted, and I believe that changes should be made before the bill is sent to the President.

First, it appears possible that the formula contained in the bill for basic State grants may result in a cut in Federal vocational education funds to local vocational education programs in my district. I understand and approve of the goal of targeting vocational education funds to disadvantaged areas. However, I do not believe that we can tolerate drastic cuts in local programs, many of which are doing an excellent job of serving the disadvantaged.

One aspect of the new formula that is particularly troubling is the fact that the formula for postsecondary students relies heavily on the number of Pell grant recipients in postsecondary institutions. In New York State, many vocational education students at the postsecondary level rely on State tap funds, which are adequate to meet students' needs. Therefore, these students—who are disadvantaged—are not eligible for Pell grants. These students are not counted by the new formula, and the postsecondary institutions they attend will suffer as a result.

This inequity is accentuated even more in the case of nine educational opportunity centers [EOC's] located around New York State. These institutions, which serve a large segment of New York State's disadvantaged adults, rely heavily on funds under the Perkins Act for equipment and other purposes.

All of the students attending these institutions must meet income guidelines, and most EOC students are welfare recipients or unemployed persons. However, students attending the EOC's—one of which is located in my district—do not qualify for Pell grants because the EOC's are not degree-granting institutions and because the programs they sponsor are not of sufficient duration. As a result, the nine EOC's in New York State would not be covered at all by the new formula for distribution of funds. They will suffer a loss of funds that will significantly limit their ability to replace outworn equipment and to keep up with the pace of technological change.

Again, I understand the rationale of targeting funds to areas of need. However, I think we must be very careful about the methods that we choose to accomplish this. When we have a formula that denies funds to vocational education institutions serving some of the most disadvantaged members of our society, there is something clearly wrong.

The situation regarding the EOC's was only recently brought to my attention. According to the chairman, there was not sufficient time to devise

an appropriate solution before floor action on the bill. However, I am pleased that the chairman has assured me that the committee will view changes in this regard with an open mind, should we be successful in working with the Senate to devise a solution. Certainly, this inequity cries out for correction.

Because of my serious concerns regarding the effects of the new formula, I strongly support the amendment by Representative ROUKEMA to strengthen the hold-harmless provisions of the bill. Under the bill as currently drafted, each local education agency [LEA] or postsecondary institution must receive in the first year at least 75 percent of the average level of funds received in the past 3 years. In the second year, the LEA or postsecondary institution would receive 75 percent of the prior year.

The Roukema amendment will significantly strengthen this protection by providing that each school district or postsecondary institution receive in the first year no less than 85 percent of the average of funds received in the past 3 years. In the second, third, and fourth years of implementation, no school district or postsecondary institution could receive less than 85 percent of the prior year's funds.

This approach is far more responsive to the needs of local communities which may experience dramatic changes in their funding level as a result of the new formula. We must ensure that local programs are given time to adjust to the new formula, and this amendment will permit them to do so.

Further, I am greatly concerned by the manner in which the new formula will affect regional vocational schools. Under the provisions of the bill, funds for area vocational schools must flow through local educational agencies [LEA's], which must enter into consortia for the purpose of funding the regional institutions.

I understand that the chairman's perfecting amendments contain a change that attempts to ensure that regional vocational schools receive a share of Perkins Act funds based on the number of special population students they serve. While this moves us in the proper direction, it does not solve the problem. The change continues to subject the regional schools to a whole new layer of bureaucracy. Moreover, it will force New York's BOCES, which now receive their funding directly from the State, to go to the LEA's for their funding.

This is an unnecessary roadblock that may have a significant adverse impact on the BOCES, which have been extremely successful in my district and throughout New York State. I am hopeful that changes can be worked out in the Senate and in conference that will permit the money to

flow directly from the States to regional vocational institutions like BOCES.

Finally, I am concerned about the extent of the reduction in the share of funds reserved for discretionary programs of the States. Under the bill, this amount is limited to 5 percent, a figure that could limit the ability of New York State to conduct a range of valuable programs, including curriculum development, testing development, the linkage of vocational education funds with other programs such as JTPA, in-service-teacher training, and even business-education partnerships.

I am hopeful that, as this process moves forward, the States will be given slightly more breathing room, so that those States which are pursuing valuable and innovative programs can continue to do so.

Many provisions of the reauthorization bill are very positive. I would like to highlight one part of the bill that I consider to be of particular importance. That is the provision regarding business-education-labor partnerships in vocational education.

I am proud to say that I worked closely with Mr. GOODLING, the ranking minority member, and Mr. RAHALL of West Virginia, in crafting a program that I believe will contribute greatly to improving our vocational educational programs.

Our amendment is predicated on two fundamental ideas. First, we must infuse resources into the schools for the purpose of improving the quality of vocational education. Second, we must address industry needs for skilled employees who meet certain minimal standards in key occupational areas.

The new program included in the substitute will provide grants to States on a 50/50 match basis, with industry permitted to contribute in an in-kind fashion. A special incentive will be created to encourage small business involvement in business-education partnerships. In addition, an incentive will be created to get local chambers of commerce—or their equivalent—involved in creating partnerships.

I believe that this program will do a great deal to improve the quality of vocational education and to meet the needs of specific industries that find themselves in need of skilled workers, and I would like to once again thank the ranking minority member, Mr. GOODLING, for his leadership on what I view as a crucial issue for the future of education.

I would also like to express my appreciation to the chairman of the committee, Mr. HAWKINS, for his efforts in crafting a reauthorization bill that will do a great deal to improve the quality of our Nation's vocational education programs.

There are many areas in which this bill makes great strides. However, the bill does contain a number of inequities that beg for correction. I look forward to working with the chairman and other Members as we continue to seek solutions to these ongoing problems.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Madam Chairman, I want to take a minute to clarify a bit the administration's policy as the bill is receiving increasing levels of bipartisan support, even as we take it to the floor.

A statement of administration policy was issued earlier this week which made it crystal clear that the section on restrictions on the Office of Management and Budget would not be acceptable in any form to the administration and, indeed, the administration would veto the bill, the President would veto the bill, or the Secretary of Education would recommend a veto of the bill if that section on Office of Management and Budget restrictions were included. Indeed the statement of administration policy states that the Secretary would recommend the President veto the bill if the provisions discussed in this OMB paragraph were to remain in H.R. 7.

It is my understanding, Madam Chairman, that, when we begin the amendments, that the gentleman from Pennsylvania [Mr. GOODLING] will be offering an amendment to strike, to strike the entire OMB section, and to replace it with a study by the General Accounting Office to determine what, if any, actions by OMB may need to be further reviewed.

So, I want to say to Members who have received the statement of administration policy opposing the bill, if the Office of Management and Budget section is included, the gentleman from Pennsylvania [Mr. GOODLING] intends to offer an amendment which I have reason to believe will pass, will be accepted, that will strike the OMB provisions in their entirety.

So, while the administration does have some additional concerns about the legislation, as do I and various Members of the House on both sides of the aisle, the additional concerns would not be caused at least based on the statement of administration policy to recommend a veto.

Madam Chairman, the two primary concerns are, first of all, the section on negotiated rulemaking, which the gentleman will also be offering as an amendment that will substantially compromise that section in which the House is offering to go more than halfway on the negotiated rulemaking section.

I still have some hopes that the amendment of the gentleman from Utah to strike that section will be

adopted, but, if not, it is my belief that can be worked out in conference.

The administration also has a legitimate concern about the authorization level of this bill, which is \$1.4 billion, and indeed I have to say it is too high and ought to be lower.

But I want to suggest to those who are watching this debate that the fact is that this bill is so substantially streamlined over current law, it so substantially decreases the amount of paperwork, and reporting requirements, and setasides and other cumbersome administrative requirements that I still recommend support for the bill even though the authorization levels are higher than what I would like to see appropriated.

Madam Chairman, in my opinion during the course of the conference and the appropriations process the actual money spending levels will be adjusted in a way that will be generally comfortable for all Members of the House, and so I do urge support for the legislation.

Mr. HAWKINS. Madam Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Madam Chairman, I am pleased to rise in support of H.R. 7, the Applied Technology Education Act. I will begin by discussing a small, but important provision of the act, known as negotiated rule making.

In my view, and one that I believe is shared by my colleagues on the Education and Labor Committee, negotiated rulemaking is especially vital to the implementation and conduct of vocational education programs nationwide because they have been changed considerably under H.R. 7, the Applied Technology Education Act of 1989.

The legislative history of negotiated rulemaking and its uses with respect to an effective, bipartisan implementation of Federal law is brief, but of proven effectiveness.

Negotiated rulemaking was first used during the Reagan administration by the Department of Transportation. But its most effective use, according to the education community, was by the Environmental Protection Agency [EPA]. The EPA implemented the process in order to receive input from all responsible parties with regard to cleaning up toxic wastes, an expensive and contentious, but crucial activity required by law of our military-industrial complex nationwide.

When asked why this process was so desirable, educators responded that it worked for them, when they were included in EPA's development of rules and regulations regarding the detection and removal or treatment of asbestos in schools. Last, educators referred to their more recent experience with negotiated rulemaking and its success in implementing last year's changes to chapter 1 programs under

the Hawkins-Stafford School Improvement Act.

Negotiated rulemaking, simply stated, is a process that helps define and clarify complex and contentious issues.

Why is it gaining such popularity? Madam Chairman, while I have not conducted a scientific survey on the question, the first thing that comes to mind is the absence of a previous congressional authority known as a legislative veto over final regulations promulgated by various agencies and departments of Government that often did not reflect the original intent of Congress. Departments and agencies have been known to legislate through regulation when certain provisions in law were not to their liking, and Congress used the legislative veto authority for purposes of returning laws to their original intent.

Madam Chairman, it is my premise that if State and local education officials, parents and teachers are given the opportunity to participate in the regulation writing process before proposed, then final regulations implementing education laws are published, which is made possible by the adoption of H.R. 7 of the negotiated rulemaking process, fewer incidents of misspent funds, or programs otherwise found out of compliance with the intent of the law, will occur.

Madam Chairman, I was pleased to introduce the bill, H.R. 1819, which was incorporated as part of H.R. 7, requiring the Secretary of Education to convene regional meetings in order to provide comments to him on the content of proposed regulations, and to require that such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education who will be involved with implementation of programs under the newly structured Applied Technology Education Act.

After the committee had reported its bill, I was approached by Representative BILL GOODLING, our able ranking minority member, who advised me of the administration's objections to the inclusion of negotiated rulemaking in the bill. While I am firm in my intent to retain the process as part of H.R. 7, I was pleased to work with Representative GOODLING in producing language limiting the number of key issues to be subjected to the negotiated rulemaking process. As a result of our own negotiations, an amendment to the committee amendment to the bill now includes language stating that "The Secretary shall prepare draft regulations and submit regulations on a limited number of issues to a negotiated rulemaking process." It is our intent that, when we reach conference with the Senate on H.R. 7, the key issues will have been identified, at which time

Members will choose those issues to be included in the negotiated rulemaking process.

Madam Chairman, the restructured Vocational Education Act is in my view both exciting and challenging, but has been so extensively revised and redirected that State and local school officials will need more than ever before to sit down with departmental officials, and their colleagues from other States and localities, to determine how best to implement the new Perkins Applied Technology Education Act so that it reaches and serves the targeted populations intended to benefit under its provisions.

OTHER MAJOR PROVISIONS UNDER H.R. 7

H.R. 7 authorizes an unprecedented intrastate formula for vocational education which will drive 80 percent of Federal dollars, with no matching requirement as found in current law, directly down to local schools and students who are in greatest need. Special populations, including the economically disadvantaged, the handicapped, single parents and homemakers, and others who are concentrated in the poorest schools in the most economically distressed areas must be served first under the formula.

At the State level, the Committee on Education and Labor has redirected their use of 20 percent of the funds, reserving 5 percent for administration, 5 percent for discretionary spending on programs designated by the committee as having national significance, and 10 percent in a State-administered program to assure sex equity coordination among all programs under the act, to include single parents, homemakers, and displaced homemakers.

Through the leadership of the committee chairman, AUGUSTUS HAWKINS, and its ranking minority member, WILLIAM GOODLING, the Education and Labor Committee as a whole has redirected vocational education in what I have already described as exciting and challenging. We have endeavored to improve the image of vocational and occupational programs, and we are sending a clear signal of the importance of applied technology education in meeting the economy's current and future needs in an increasingly technological world.

H.R. 7 is fair in its direct approach, through the intrastate formula, of funding school districts, community colleges, and other eligible local institutions. We have linked academic and technical occupational skills training in a two-plus-two program through articulation agreements between secondary schools and postsecondary institutions, particularly community colleges. All programs under this act are strengthened through increased coordination and cooperative agreements with the Job Training Partnership Act, the Adult Education Act, vocational rehabilitation, and the Wagner-

Peyster Act. For example, a comprehensive State council would be established for all five programs and joint funding of programs is encouraged.

CONSUMER AND HOMEMAKING EDUCATION

It was my privilege also, in cooperation with Representative CHRIS PERKINS of Kentucky, to introduce amendments to the Consumer and Homemaking Education Program under the act, and to continue it under a separate funding authority set at \$40 million in fiscal year 1990. The Consumer and Homemaking Education Program has been part of vocational education since its inception. It was a program I am proud to say enjoyed the strong support of Representative CHRIS PERKINS' father, the late and beloved Carl D. Perkins, former chairman of the Education and Labor Committee.

I believe so strongly in the purpose of their mission to serve the Nation and to strengthen family unity now, and by extension in generations to come.

The committee has reaffirmed its awareness of the critical importance of early childhood development in preparing tomorrow's work force, and believes the family is our most precious institution. Consumer and homemaking is crucial in teaching parenting skills in a society with an expanding base of single parent families and households where both parents must work. Consumer and homemaking can also do much to address the problems of family violence, child abuse, and teen pregnancy, as well as to promote individual and family health and child nutrition.

Finally, Madam Chairman, consumer and homemaking programs can contribute vital training for future workers in the growing technologies of child care, care for at-risk populations—including the homeless—and care for aging family members. I am pleased that my amendments, adopted by the committee, will also strengthen the role of consumer and homemaking education in promoting the elimination of sex bias and stereotyping in the workplace by providing for new cooperation between educators and the sex equity coordinators in each State.

IMPROVEMENT OF FACILITIES AND ACQUISITION OF EQUIPMENT

Amendments introduced by Representative CHRIS PERKINS, which I was pleased to cosponsor, responds to the need to provide funding for improved facilities and the acquisition of equipment at the secondary school level of vocational education. This program is authorized at \$100 million in grants for such purposes as embodied in H.R. 7. Just as we were urged by State and local officials to eliminate set-asides and to produce a relevant, more comprehensive vocational educational program, so were we urged by local offi-

cial to provide grants for the purpose of acquiring better and adequate facilities, equipped with the latest in modern learning tools relevant to training individuals for the workplaces of today as well as tomorrow.

Funds for improved facilities and equipment are targeted to LEA's located in economically depressed areas, sharing the grants on a 50-50 basis between rural and urban areas. Funding is then concentrated in those LEA's with the highest levels of need, using a percentage threshold to insure that funds are distributed to LEA's having jurisdiction over the highest percentages of educationally and economically disadvantaged children.

CAREER GUIDANCE AND COUNSELING

Amendments were adopted in H.R. 7 to increase funding to \$30 million for career guidance and counseling. A recent study on the condition of education in West Virginia, conducted by the Carnegie Foundation, showed a grossly inadequate system for career guidance and counseling in a State which still leads the Nation in unemployment statistics. I trust and hope that given the role career counselors must play in improving the career awareness, job preparation, and school involvement of applied technology education students, our State will be able to use these funds wisely and well in development of career information delivery systems to transition applied technology education students into the employment arena.

BUSINESS-LABOR-EDUCATION PARTNERSHIPS

Madam Chairman, I left the title III program, known as business-labor-education partnerships until last, because I believe when implemented they will provide the most effective special program authorized under H.R. 7.

As I stated to Secretary Cavalos during his testimony on reauthorization of the Vocational Education Act before our committee, I was interested very early in modifying and reauthorizing part E of title III of the Perkins Act. It was during his testimony that I learned the Secretary, using his discretionary funds, had funded 35 demonstration projects at a cost of \$9 million over the last fiscal year that led to industry-business-education partnerships—yet part E of title III had remained unfunded. According to his response to my question, and despite his own interest and apparent satisfaction with the outcomes of the 35 demonstration projects funded by the Department, the Secretary had not asked for funding for part E in his fiscal year 1990 budget recommendations to Congress.

Soon afterward, I learned that Mr. GOODLING, our ranking minority member, was as intent as I to modify and reauthorize these partnerships, infusing our schools with the financial support and the know-how of business

and labor, and that he intended to introduce amendments to that effect. I am grateful for his generosity in allowing me an original cosponsor of this bill, H.R. 1913.

It almost goes without saying that the needs of business and labor are so inextricably bound by the needs of our students in vocational education, it would be criminal not to enter into these partnerships in a joint effort to improve the quality of applied technology education and the overriding need to fulfill the need for skilled entry-level employees.

Authorized to be funded at \$20 million in fiscal year 1990, grants to schools under the program must be matched equally by business-labor interests, except that small businesses would have a lower matching share requirement.

PROFESSIONAL DEVELOPMENT/RESEARCH AND DATA COLLECTION

Madam Chairman, my State had expressed an interest in both a professional development section, and in research and data collection as part of any reauthorization bill we might consider. I am pleased to note that both programs are included in H.R. 7.

Madam Chairman, for the first time in more than seven decades vocational education programs are authorized to exceed \$1 billion in funding authority. It is about time. There can be no economic security without an educated citizenry, nor can there be national security without an educated citizenry. H.R. 7, with its goal of bringing vocational education into the mainstream of today's labor markets, and preparing students now for jobs in the 21st century will, I believe, lead to increased productivity and competitiveness in American business and industry. The individuals receiving applied technology education, tailored to their academic and occupational needs, will have the potential to become a world-class work force. If we commit ourselves funding of H.R. 7, the education and development opportunities for our most precious resource, our children, they can become the catalyst for reversing our current status as a debtor nation, unable to effectively compete in international trade, and restore the United States to its former leadership status in the global marketplace.

And if there are any of my colleagues here today who believe the \$1.4 billion authorized under H.R. 7 is fiscally irresponsible, they have only to recall recent embarrassing reports that our 17-year-old high school graduates cannot read or write; that there are millions of people in the United States who are functionally or totally illiterate; or that more than 750,000 youngsters drop out of high school each year in the United States. It is this generation upon whom we must rely for our future economic and national stability. If our colleagues will

consider these well-known statistics and, instead of viewing them as mere statistics they will transform those faceless numbers into human beings in need of a targeted and well-structured education, they will not consider \$1.4 billion as an extravagance, but as an investment in the future world our children and grandchildren will inherit. Let us make it a strong, proud legacy we leave to them—as strong and as proud a land of opportunity as we inherited from our forefathers.

Madam Chairman, I am pleased to have been directly involved in the design and development of H.R. 7, which we have before us today, and I urge my colleagues to give it their support and their affirmative vote for passage.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, listening to some of the comments that have been made on the floor, they verify what I indicated in my remarks earlier when I said that people are suspicious of change. People fear change and people would just as soon not change. It was obvious to me, listening to some of the discussion, that a lot of State department people have gotten in touch with an awful lot of people with a lot of misinformation unfortunately. I am sure it was not deliberate, and I can understand why they would put on that full court press; however, I think they will find in the long run that what we are doing here is answering one simple question.

Madam Chairman, the question is: Access to what? We are saying with this legislation: Access to excellence, access to a better education than they have ever had before.

□ 1600

I certainly want to take this time to thank our leader. He is a powerful leader. He carries the big stick, speaks softly most times, but he is a wonderful leader. I want to thank him again for the leadership on this piece of legislation.

Mr. PEASE. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Ohio.

Mr. PEASE. Madam Chairman, I appreciate the gentleman yielding to me.

I was interested a minute ago, the gentleman was saying that some State departments of education have raised some alarms, and the gentleman thought perhaps they were speaking from misinformation.

Could I ask the gentleman to clarify a couple points for me?

Mr. GOODLING. I would be happy to.

Mr. PEASE. I have some vocational school districts in Ohio, a State, by the way, which has done a good job with vocational education, which are

rural districts, but by no means poor districts. I am a little concerned that under the new formula which requires I guess 70 percent of a factor for receiving funds would be low income or poverty in a district.

The districts in the rural parts of my congressional district would not do very well under this formula. We have provided somewhat of a fail-safe system for I think a year or two, but not after that.

I do not have any quarrel with targeting scarce resources. The committee has done a good job in that respect.

Does the gentleman have any figures which show that districts which are, say, rural areas, but not necessarily where there is any poverty, would be reasonably protected and how much they would get under the new bill vis-a-vis how much they are getting under existing law?

Mr. GOODLING. We specifically did not run reports on every district, because again we wanted to answer our question with excellence, not with just more of the same, with a formula driving the program, rather than the program driving the formula.

We have done a run on a rural area in Wisconsin, and they do very well. I would think it would be perhaps similar to that of the gentleman.

We have done a run in a district in Kentucky, which may be poorer than that of the gentleman from Ohio, and they do very well, so we have made very sure that rural districts do well in this particular piece of legislation.

The misunderstanding I think is that there are people who believe that somehow or other a local district will just keep this money and then the area technical school will not get any. We specifically indicate throughout this entire program, and when the gentleman from California [Mr. HAWKINS] offers his amendment. We specifically talk about how that money must be passed on. We specifically said you must have a program of substance, a program of size. We specifically say that you must have continuing sequences. You cannot just come up with something halfcocked.

Then we have indicated that we are willing to do more in those areas; but of course, what we have said is that we will push the money down to the local districts, which in many instances does upset the States.

Mr. PEASE. Madam Chairman, will the gentleman yield further?

Mr. GOODLING. Yes, I yield to the gentleman from Ohio.

Mr. PEASE. Well, I notice that the bill came out of the gentleman's committee by a very large margin. Perhaps my fears are not well founded; but just looking at the formula that we have got for the new program, it appears to me tailor-made for big city districts

with a high level of poverty and for rural areas in very poor States, say as some parts of Kentucky.

Apparently some members of the gentleman's committee who are not from districts either in the big cities or in the rural poor, feel that the merits of this bill outweigh any disadvantages they might have.

Mr. GOODLING. Currently, there are seven applications if they want to get most of the money, seven separate applications. Much money is returned because they are not going to bother doing it, and in some instances it costs them more to fill out the seven applications than it does in fact to get the money.

I think you will find that your district will not suffer because it is a rural district, and we put it very carefully.

My district also is possibly similar to that of the gentleman from Ohio. We have done a quick check on that. They are not making major sacrifices in order to be sure that we have excellence in vocational training.

Madam Chairman, I do not have much time left to yield. Maybe when we get to the amendment process we can pick it up. I would just like to go back and complete my remarks, because I think I am about out of time and we can continue this when we get to the 5-minute rule.

I wanted to complete my comments by also thanking the staff that has worked night and day, a staff on both sides: Jack Jennings, Diane Stark, Jo-Marie St. Martin, Andy Hartman, Pat Morrissey, and Beth Buehlmann. They have put aside a lot of the fears that people have had that have come to them, because they have specifically been able to point out this is what the legislation does, contrary to what you may have heard.

Also, in relationship to what the gentleman from Ohio [Mr. PEASE] just said, of course, one of the amendments will indicate, and hopefully an amendment to the amendment, will protect you until we see completely how this formula situation works out.

Again, I cannot thank the staff and the committee and the chairman enough for the bipartisan cooperation to bring about a piece of legislation that is so much overdue if we are going to remain competitive.

We positively must make this program respond by saying excellence based on the year 2000, the year 2020, et cetera, not on what we may have done in the past and we just as soon keep doing it because it is not much trouble if you just keep doing the same thing.

We have an improved piece of legislation. By the time we have completed work with the Senate, any of those questions that people have, any of those fears that people have will be ironed out and we will be able to move

forward with a new piece of legislation.

Mr. HAWKINS. Madam Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKEY], a member of the committee.

Mr. VISCLOSKEY. Madam Chairman, I would like to commend Chairman HAWKINS for his stewardship of this legislation. His efforts to ensure that all points of view were examined and given fair consideration are admirable, as evidenced by the strong support of H.R. 7 by Members on both sides of the aisle. The contribution of the ranking minority member of the committee, Mr. GOODLING, must also be recognized. As a result of his non-partisan efforts, the status of vocational education programs will be enhanced.

Included in the amendments to be incorporated today during floor consideration is a measure I authorized which would encourage the Department of Education to grant money for a new type of demonstration project emphasizing vocation and work, with education supporting work, rather than work supporting education.

This alternative learning system, called employment based learning, applies the principles of apprenticeship to vocational education. Participants would actually be employed in the job that they are preparing for in the classroom. Although most vocational education students hold jobs while they are studying, they do not necessarily hold jobs that correspond with their coursework. As students—workers—progress through their program and satisfactorily master increasingly complex skills, they would receive periodic wage increases until they master all of the tasks and activities required of their target—a regular, full-time job which they are fully qualified to perform.

For example, the banking industry is one of the many that could participate in this partnership with vocational education programs. Over the last 10 years, bank deregulation has created an explosion of bank services, and the competition for customers is intense. Therefore, many bank tasks are highly customized and labor intensive. While the bank teller job is still fairly routinized, clerk/typist jobs have become much more demanding. Individuals in these jobs must now be able to analyze a broad and complicated array of customer needs, understand the bank's services, and, if possible, produce a match. Promotions nowadays tend to come from these frontline desk positions.

Non-college-bound workers who receive on-the-job training or become full-fledged apprentices earn almost 30 percent more a year than workers who have had no such training. A vocational education program, such as employment based learning, that allows stu-

dents to earn while they learn, and to think while becoming technically competent, is a promising approach to closing this gap. Workers who participate in this program will not only earn more money, but they will be more productive.

For these reasons, I close by asking my colleagues to support passage of H.R. 7.

Mr. HAWKINS. Madam Chairman, I yield such time as he may consume to the gentlemen from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Madam Chairman, many of us who represent Southern States are faced with a bittersweet dichotomy, that is, our districts have been unevenly blessed with economic prosperity.

My own congressional district is a good example. At one end of the Second District is the Research Triangle Park, a spectacularly successful venture that delivers all that Sun Belt promoters promise.

But much of the rest of the district is a rural region that has been little touched by the high-technology revolution or the growth of new industries. Like much of the rural South, it has not participated fully in the economic expansion that has revitalized some Southern cities.

Despite glowing reports of Sun Belt prosperity, we must remember that the South still has the lowest educational level, the lowest income, and the lowest wages in the Nation, as well as the unemployment level that is much higher than the national average.

In North Carolina, more than one in four residents does not have a high school diploma and cannot read and write well enough to hold many jobs, to understand a newspaper, or to help their children with their homework. In some counties in my district, the illiteracy rate is as high as 36 percent. These statistics are deeply troubling.

During the 100th Congress, I participated in a congressional field hearing held in North Carolina which focused on scientific and technical literacy in the work force. The hearing included testimony from experts on national employment trends and representatives from various sectors of the State economy. They all agreed that the major problem is the lack of an educated work force.

As one Research Triangle Park executive said in the hearing, his company considers it essential to hire "individuals who have basic skills to adapt to change. Things are changing so quickly that almost half of the jobs won't exist in the same form at the turn of the century. That suggests massive retraining. And massive retraining requires people with a good solid, basic education."

Today we have the opportunity to vote on a program that I believe will help develop a work force that is better able to meet the challenges of an increasingly technological workplace. The Tech Prep Act, which is part of the Carl Perkins Vocational Education Act will encourage high schools and postsecondary schools to work together to provide technical training and education.

The proposal provides Federal matching grants to link secondary and postsecondary

to provide 4-year technical preparatory education programs. The training would lead to a 2-year degree or certificate, provide technical preparation in at least one mechanical, engineering, industrial, or practical field, provide a high level of competence in mathematics, science, and communications, and lead to job placement.

It is essential that high schools and post-secondary schools work together to develop and implement programs to educate and train the greatest numbers of young Americans. These are the people who will have the greatest impact on the future of this country. They are the individuals who will be building our houses, running our computers, growing our food, and providing the services we need every day. We must ensure that American workers have the best possible education to perform their jobs to their fullest potential.

At the same time, we must ensure that all areas receive equal access to educational opportunities. The vocational education reauthorization sets up a new formula for distribution of Federal dollars, and it is unclear now how it will affect local school districts. Some areas could receive huge increases while other areas could face substantial losses.

My colleague from New Jersey, MARGE ROUKEMA, has offered an amendment that I believe will ensure fair distribution. Her amendment will extend a "hold harmless" of 85 percent each year, so that no area would receive less than 85 percent of the average allocation that it received over the past 3 years. Her amendment also has a 5-year, 150-percent stop-gain provision to cap the increases any area may experience. This limits an area's increase to 150 percent of its prior year funding.

I urge my colleagues to support the Carl D. Perkins Vocational Education Reauthorization Act with the Roukema amendment.

Mr. HAWKINS. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Madam Chairman, I would like to congratulate the gentleman from California [Mr. HAWKINS], the chairman, and the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING] for having produced an excellent piece of legislation.

I am going to rely on the representation of the gentleman from Pennsylvania [Mr. GOODLING] and on his assurance that some of the quirks and problems in this bill will be worked out satisfactorily, especially those referred to by the gentlewoman from New York, Mrs. NITA LOWEY, about authority and funding for New York State to continue its already excellent programs.

Madam Chairman, New York State is one of a very few States in this country that have truly excellent vocational education programs. These should be continued, along with authority and funding needed.

New York State is very proud of its vocational education system.

New York is one of two or three States that have developed and put

into place a vocational program that works.

I am concerned that this legislation might erode New York's hard-won success by taking away much of the State's authority and funding.

At the same time, however, I'd like to commend the chairman for moving forward legislation to invest more money in our disadvantaged youth and adults.

The work force of the 21st century is already in our elementary schools.

These future workers need skills which they are not getting, skills required if our Nation is to compete in the global marketplace.

We need a fundamental recasting of most vocational education programs.

Too many State and local vocational education programs prepare young people for the kind of workplace that no longer exists.

Our future workers need reasoning skills, technological skills, and adaptability for the workplace of the 21st century.

They do not need to learn to make buggy whips and Stanley Steamers.

This legislation takes a badly needed first step.

I held 9 days of hearings on competitiveness and the quality of the American work force during the last session of Congress.

Witness after witness testified about our growing education deficit.

Thousands upon thousands of undereducated, underachieving youth, for whom there are fewer and fewer blue collar jobs, are victims of this deficit.

Without state-of-the-art vocational education, these youth will become adult welfare recipients in the future, costing our Nation billions of dollars each year, instead of becoming the skilled trained workers our Nation needs.

This is a wonderful piece of legislation. It gives broad authority to cities and States to carry out excellent, well-conceived vocational education programs including special programs targeted to the poor and the disadvantaged, and including special programs on computer literacy, which is indispensable to having a productive career in today's job market.

Over 90 percent of the new jobs that will be created by the end of the century will require some postsecondary education and will require computer literacy. States and the cities have an obligation to use these funds creatively and productively.

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] has 2 minutes remaining and the gentleman from Pennsylvania [Mr. GOODLING] has 1 minute remaining.

Mr. GOODLING. Madam Chairman, I yield myself my remaining 1 minute. I will consume that last minute.

Madam Chairman, again, I want to thank the chairman. I want to thank the staff. I want to thank all members of the committee.

I think in a bipartisan fashion if we could do this in everything we do around here the country would be better off.

This is a bill that incorporates so many things, a lot of new things, and I think that we are going to find that we will be prepared competitively if we can move this bill forward and we can get the necessary funding for it.

Madam Chairman, I yield back the balance of my time.

Mr. HAWKINS. Madam Chairman, I yield my remaining 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I basically wanted to commend the Committee on Education and Labor for the attention it has given in this bill to the concept of regulatory negotiation. I know there is some small degree of controversy over whether it ought to be mandated or not or just urged upon the Department. I guess the administration has opposed a mandatory requirement, but that argument aside, it is clear to me that negotiated rulemaking makes a lot of sense.

Madam Chairman, I am the sponsor of a bill which is now in the Committee on the Judiciary which would set forward the nuts and bolts for possible regulatory negotiations in any agency of the Federal Government. We hope to have that bill on the House floor later this year.

Certainly it seems to the Committee on Education and Labor has taken a giant step forward by putting into this bill a specific reference to negotiated rulemaking, and I want to commend the committee for their having done so.

Mr. STOKES. Madam Chairman, I rise today in support of H.R. 7, the Carl D. Perkins Vocational Education Act amendments. I want to congratulate my esteemed colleague, Congressman AUGUSTUS HAWKINS, for providing the leadership to unanimously report out of committee this important legislation. It represents not only the true spirit of bipartisanship, but provides a real opportunity to prepare Americans for opportunities in international competition and trade.

In recent year, we have all heard our share of sad tales of a deteriorating economy and cities in retreat. If, however, we are to talk about the future of America, about a nation on its way up, a nation that has met the challenges of the past and is striving to meet the challenges of today and tomorrow, we must support this important legislation which enables us to do this.

Madam Chairman, in my own city, Cleveland, OH, there has been a shifting trend—similar to the national trend—from a manufacturing-based economy to a more service-

based economy. In order for Cleveland, and all of the United States, to improve its economy and expand, it must strive to train its current and future work force to meet the growing demands of technological proficiency and expertise. Improving programs that combine academic and occupational education, as well as strengthening links between schools and businesses, is in everyone's best interest.

H.R. 7 provides benefits to all of our society by helping our country remain strong and competitive. I want to again congratulate the chairman and his committee for their hard work on this bill, and I encourage my colleagues to support this important initiative.

Mr. BILIRAKIS. Madam Chairman, I rise today to reaffirm my strong support for applied technology programs, and to express my gratification at H.R. 7's acknowledgement of the need for funding displaced homemaker programs.

Displaced homemakers—or the hidden poor, as I call them—are women who may suddenly find themselves in financial need because of the death of a spouse, obligations of a single parent or need to supplement family income.

These aren't women whose husbands have left them well off, Madam Chairman, they are poor women who have been out of the work force and cannot find decent jobs because of a lack of job skills—or an employer's unwillingness to hire them because they haven't worked in years—or perhaps have never worked outside the home.

I have been a strong advocate for expanding the targeted jobs tax credit program to include a category for displaced homemakers. I am delighted to see that a specific allocation is made for the needs of this group.

Madam Chairman, a ways and means subcommittee is now considering a reauthorization of the targeted jobs tax credit program. I would hope that the committee would establish a new eligibility category that addresses the needs of displaced homemakers.

Mr. MFUME. Madam Chairman, I join my colleagues in strong support to the Applied-Technology Education Amendments Act of 1989, H.R. 7. The bill under consideration today will reauthorize the Carl Perkins Vocational Education Act for 3 years and will set a spending target for more than \$1 billion for fiscal year 1990. I am convinced that this is the best piece of legislation that my colleagues and I of the Committee on Education and Labor can offer to strengthen and guide our vocational programs to keep stride with growing technological demands in the workplace.

Quality vocational and technical education programs have been in the past and must continue to have a significant role in educating our children. With today's highly specialized and complex world, the need for this legislative initiative has grown exponentially in light of changes in the structure of the labor force and international competition.

Over the past several years, the programs under the Perkins Vocational Education Act have served millions of Americans by teaching important job skills while supplementing academic instruction. In fact, nearly 42 percent of today's vocational graduates hold jobs related to their work, and have gone on to becoming

productive, gainfully employed members in their communities.

While the programs have reached a number of students, recent studies have indicated that not all of the deserving populations have been properly served. According to a recent GAO report, many current funding mechanisms tend to direct funding to more affluent areas and away from poor communities. Also, funds were diverted from the handicapped populations or redistributed to wealthier areas once returned.

H.R. 7 attempts to correct these problems by directing Federal funding to the local level by targeting schools and areas with high concentration of handicapped and disadvantaged students. This approach would ensure that adequate funding gets channeled down to those special populations as intended by Congress.

Madam Chairman, in the Applied Technology Education Amendments Act, we have created a single new Human Investment Council to review and make recommendations concerning the services and use of funds under education, employment, and training services. Unfortunately, programs under the Family Support Act were not included under the council's jurisdiction. For Maryland and many other States, thousands of individuals are served by the employment and training programs under the Family Support Act. In fact, over 14,000 new participants are expected to be served in Maryland this year. In my opinion, these programs should be included within the jurisdiction of the council so as to promote partnership and better coordination. I hope to see this oversight corrected in the near future.

Despite my concerns, I believe that this bill is an adequate response to the concerns we have heard during the hearings held over the past few months. And by reauthorizing this act, we will assure the American people of our continued support to provide a quality education and good training opportunities for everyone.

I hope that all of my colleagues do recognize the vital role vocational programs have played in the past and will continue to play in the future. The Applied-Technology Education Amendments Act will expound on our past efforts to meet the challenges of training our youths and adults to meet the needs of an ever-changing labor force.

Mr. TALLON. Madam Chairman, with all of the improvements in vocational education included in H.R. 7, I can hardly vote against the reauthorization of one of the Federal Government's most successful programs in education and job training.

Nonetheless, I vote for this bill with great hesitation. Without proper hearings or even a test run on the new funding formula, we may create a situation that will be devastating to areas that are not either densely urban or very rural and poor.

That means that rural districts in South Carolina and other States that have had amazing success with Carl Perkins' money will have their vocational education programs threatened by a formula which would likely include a wholesale phaseout of many existing programs.

In addition, the new set-aside which demands that 10 percent of funds be used for

grants for only 2 special population groups will slash by 50 percent funds available to the States to maintain statewide coordination of local vocational education programs.

While it is admirable to target the money directly to districts, schools, and pupils, we must not discount the vital historical role of the State in accomplishing this goal.

The problems noted by proponents of the new funding formula and the change in the set-asides are worth addressing with workable legislation that will not inhibit the access of vocational education to all who want it. I am disappointed to say that H.R. 7 does not do this.

Mrs. LLOYD. Madam Chairman, I rise in strong support of H.R. 7, to reauthorize through 1995 the Carl D. Perkins Vocational Education Act, thereby continuing national support for occupational education programs in our schools.

I am a strong proponent of education and I believe that supporting and improving vocational training is an integral part of maintaining America's competitiveness and insuring that our students are prepared to meet the increasing challenges of today's work force. Some years ago, a high school diploma alone was a solid guarantee of a good job and an income adequate to live on. Today, however, with increasing mechanization, it is more important than ever that all our students graduate equipped with the specialized skills necessary to meet the challenges that lie ahead. This legislation would allow our students to do just that—and more.

It calls for sharply increased spending for the Government's main vocational education programs, from about \$900 million in fiscal 1989 to \$1.4 billion in 1990 and such sums as may be necessary in fiscal 1991-95. The bill also includes language that I strongly support providing a \$200 million "tech prep" program that would provide grants to encourage the creation of 4-year vocational education programs—2 years in high schools and 2 years in postsecondary education.

America needs workers well trained in technology and well versed in basic skills if we are to forge a world-class work force for the future. Therefore it is imperative that our high schools and postsecondary educational institutions work together. Tech-prep is an idea that has been developed and tested by educators throughout the Nation. I believe that Federal support of tech-prep education will accelerate and broaden the adoption of this important educational initiative.

H.R. 7 also includes language which calls for a \$100 million program to bolster facilities and equipment for schools in low-income areas as well as a program for business-labor-education partnerships. Other provisions seek to encourage States to come up with ways to measure the success of vocational education programs.

This legislation contributes to the development of the academic and occupational skills of all segments of the population by concentrating resources on improving educational programs leading to skill competencies needed to work in a technologically advanced society. I believe it should be passed and sent to the President with all possible speed. I urge

my colleagues to join with me in supporting this critical education initiative.

Mr. PRICE. Madam Chairman, I rise to express my support for H.R. 7, the Reauthorization of the Carl D. Perkins Vocational Education Act.

This act is an important first step in addressing the workplace literacy challenges of the future, and it is a critical investment in our Nation's economic security and productivity.

I am particularly pleased to see Representative FORD's tech-prep legislation incorporated into H.R. 7. This program will provide Federal matching grants to consortia of secondary and postsecondary schools in order to encourage 4-year programs that link the last 2 years of secondary school with the first 2 years of postsecondary school.

This idea was first implemented at Richmond County Community College in North Carolina, in 1987. The Tech-Prep Program has addressed the needs of the forgotten majority—students who were least likely to pursue postsecondary education degrees. Knowing of the U.S. Department of Labor's predictions regarding the economic future of our country, North Carolina State officials recognized the tremendous impact these students would have upon the potential work force in North Carolina. In our State, for example, it is predicted that our economy will create nearly 760,000 new jobs, by the year 2000. However, with a shortfall in skilled labor, we will only be able to provide 550,000 qualified workers to fill them.

The Tech-Prep Program has proven to be a viable approach for addressing this problem. By combining the last 2 years of high school and the first 2 years of the community college curriculum, students are able to excel to higher levels of competency in mathematics, science, and communications, while receiving substantial preparation in at least one mechanical, industrial, or practical field. The North Carolina work force has definitely benefited from this program and I believe it is a program that can work nationwide.

Vocational education and tech-prep are vital parts of our educational system and need our ongoing support. I urge my colleagues to take a step toward continuing their investment in this country's human capital and join me in supporting the reauthorization of the Carl D. Perkins Vocational Education Act.

Mr. HENRY. Madam Chairman, I join many of my colleagues in speaking in support of H.R. 7, the Carl Perkins Vocational Education Act amendments. I also particularly commend Chairman HAWKINS and the ranking Republican member, Mr. GOODLING, not only for the open and cooperative nature of the process which has brought the bill this far, but also for being willing to make serious and substantial changes in the Federal Government's role in vocational education. It may be that some of the changes in the program brought about by this bill need to be further considered and refined, and I am sure that the Senate will come back with a somewhat different-looking bill. But no one can say that the Federal Vocational Education Program is not in need of change, and I commend the chairman and the committee for being willing to take on that challenge.

One of the more important legacies of the 100th Congress was the acceptance of performance standards and outcomes accountability in federally supported education and training programs. Both H.R. 5, the Elementary and Secondary Act amendments and the welfare reform bill included efforts to build such accountability into their respective programs. I am pleased that these amendments to the Vocational Education Act extend the idea of accountability to this program as well. H.R. 7 requires the adoption of performance standards for vocational education programs. It does not, however, directly impose any sanctions if they are not met. I would prefer that we go further than simply requiring the adoption of standards, but I support this as a first step before moving on to the question of how best to insure that they do not become simply paperwork exercises.

If finally passed into law in this form, H.R. 7 will significantly change the role of the States in the flow of Federal vocational education dollars. This is a difficult change, because my own State is recognized as having one of the best and strongest State programs, and the State office has generally worked well with the local districts in this particular program. State programs which have relied in part on Federal funds, such as the Michigan Occupational Information System and "Quick Start" have wide support among the vocational education community. Nonetheless I support the changes in H.R. 7 because they mean more flexibility for school districts to address their own local needs, and generally direct the Federal funds to areas of greatest need. The changes mean that programs, State and local, can be supported because they make sense, not because there are Federal funds. I also want to say a word in support of the amendment to be offered by my colleague on the committee, Mr. SMITH. The amendment authorizes up to 20 demonstration projects to show us whether we can achieve improved school performance by taking away many of the narrow and specific program requirements associated with Federal education programs, and letting the schools themselves determine how to structure the program. This is a concept which many have urged as an important education reform measure which the Federal Government can adopt in order to stimulate school board management. The amendment will allow us to evaluate several demonstration projects, to see whether this is indeed an effective approach for us to take.

Mr. COELHO. Madam Chairman, I would like to take this opportunity to commend Chairman HAWKINS and Mr. GOODLING for their work on this legislation, and for their commitment to improving and vitalizing vocational education in this country. The quality of vocational education is particularly critical at this time, when all indicators point to a labor shortage as we enter the next century. Every student today is a potential productive member of our labor force tomorrow, and therefore we truly do not have a student to waste.

However, it is in this spirit of inclusion that I must express my concerns about the funding formula of this bill. I applaud the bill's targeting of those populations who have been traditionally underserved by programs such as vo-

ational education. The provision of additional services and equipment to those areas with high concentrations of low-income, handicapped, and limited English-proficient students, is a commendable effort, and one which I applaud and support. However, my concern is that a fourth group—the academically disadvantaged—has been deleted from the legislation's funding priorities. While I believe that we must strengthen our commitment to those students who have not received the vocational education services that they need, I also believe that we must not renege on our commitment to those students who are currently in our Vocational Education Program. Academically disadvantaged students, for a variety of reasons, end or are near the end of their secondary school careers without adequate preparation to be productive in the work force. These students need and deserve to participate in public education programs that will provide them with the preparation they need. The fact that some of these students may not be poor, or may not live in an area with the high concentration of poverty, should not work against them in their efforts to obtain services, and should not work against the school districts that are trying to provide those services.

This issue inevitably brings up questions about how rural areas will be affected by the funding formula of this bill. As has been pointed out today by some of my colleagues, there is not adequate data at this time to indicate how those areas not obviously impacted with high concentrations of poor, handicapped, and limited English-proficient students will fare under the funding formula of this bill. Some say rural areas will benefit; others say that they will lose. As a Representative from California's Central Valley, I know that quality vocational education programs are critical in rural areas, and not just in those rural areas that would necessarily qualify as economically depressed under the definition in this bill.

I am hopeful that our colleagues in the Senate will have the opportunity to address these issues and to correct any inequities that may be revealed as more adequate data on the implementation of this funding formula becomes available. I also hope that the Senate will enter into a dialog with the vocational education community that will allow for the consideration of any additional concerns that community may have before a final bill is passed by this Congress.

Mr. RANGEL. Madam Chairman, I rise today to speak in support of the Applied Technology Education Amendments of 1989 that would amend the Carl D. Perkins Vocational Education Act.

Since the Perkins Act was signed into law in 1984, it has afforded the opportunity to those in our society who are traditionally considered underserved—the disabled, the disadvantaged, and those with limited English proficiency—to get a practical, skill developing education and thus become productive members of our society.

Too often we hear about those who the education system is failing. Our national dropout rate is hovering around 30 percent and in some of our inner cities, that figure can go as high as 50 to 70 percent. We hear of compa-

nies, such as those in New York, who cannot find enough high school graduates to hire because they cannot pass a basic reading and math test. Obviously these sad tales are not just a personal problem for those students who have dropped out or those who have graduated from high school but who can't pass a simple exam. This is becoming a grave national problem and it is imperative that we begin to focus on programs such as those found in the Applied Technology Education Amendments that would give those students who are considered at-risk and disadvantaged technical and vocational knowledge that would ensure them a skill that they could market. In today's age of modern technology and international competitiveness, and at a time in our country when we are being forced to realize that our traditional educational system is nothing short of lacking, vocational education stands to play a major role in our Nation's economic, educational, and industrial vitality.

When you stop to consider the projected demographics in the next century, which is only several years away, it is clear that many of the jobs that will be available will require a tremendous knowledge of technology. By providing our States with an opportunity to prepare the work force of the next century, with the technical knowledge that will ensure a good paying job, our Nation will be surely served.

Mrs. MARTIN of Illinois. Madam Chairwoman, I rise in support of H.R. 7.

Let me begin my congratulating all the members of the Education and Labor Committee—Mr. GOODLING and Mr. HAWKINS especially—for their leadership role in forging this bill and in bringing it to the floor with the substantial bipartisan support it enjoys.

The need for a coordinated and effective program to provide technical education and training is more pressing today than ever before. In the district which I represent, good jobs are going unfilled because employers cannot find suitably skilled people to fill them. As a result, individual Americans and America itself are the poorer. I believe that on balance this legislation represents a positive step. H.R. 7 moves technical education programs in the right direction.

Of the many amending provisions which this legislation contains, there are two which I would like to mention specifically because I believe they offer the greatest potential for program improvement. The first involves the formula for the distribution of funds under the program. Like many other federally administered programs, vocational education has suffered from an excess of Federal attention to detail. In this case, an overly restrictive, federally determined formula for targeting participants has cut deeply into the effectiveness of the program.

The problem is exemplified by the fact that millions of dollars of badly needed funds for job training are being returned to the Federal Government each year because the currently federally mandated set-aside formulas are consistent with population profiles at the local level. The increase flexibility which this bill will allow at the local level—the level where Federal programs and reality intersect—is a positive step which should be emulated in as

many federally sponsored programs as possible. I am confident that vigilant Federal oversight will ensure that the special populations whom we have sought to serve will continue to be served under new targeting formula.

Because the new formula for targeting students will affect the flow of funds under the program, we have a responsibility to closely monitor and mitigate its impact on institutions and communities that participate in the program under the existing rules. An amendment which I understand my friend and colleague from New Jersey, MARGE ROUKEMA, plans to introduce would enhance our ability to carry out this responsibility by extending the phase-in period for the program changes which this legislation sets out.

Congresswoman ROUKEMA's amendment to extend the hold harmless period in the bill will enable us to identify and ease the adjustments which will result from the new targeting formula. The amendment makes good sense and I urge the House to support it. Congresswoman ROUKEMA's amendment improves an already good product.

A second provision in the bill which deserves specific mention and support is that which establishes a new and much needed Tech-Prep Program. For those secondary school students who have made the decision to enter an applied technology program after high school, it makes perfect sense to offer courses on instruction at the high school level which will support this decision and enhance their prospects for success. The Tech-Prep Program which H.R. 7 establishes would provide powerful incentives for secondary schools and postsecondary applied technology to coordinate programs for the benefit of students who have chosen an alternative to the university.

Mr. MILLER of California. Madam Speaker, I rise in support of the Carl D. Perkins Vocational Education Act amendments. These amendments make a number of significant changes in the current law which should improve the administration of the program while ensuring that Federal funds are targeted to areas with the greatest need.

I strongly support the requirement that Federal funds be used only in programs that combine academic and occupational skills, the provisions which require greater coordination between vocational education and other job training programs, and the establishment of the Tech-Prep Program linking the last 2 years of high school with 2 years of community college in a sequence of courses intended to produce more technically proficient students.

These amendments also reduce the paperwork for school districts and eliminate State and local matching requirements for Federal funds, which should simplify program administration for school districts.

I strongly support the amendment, offered by Chairman HAWKINS, to exclude as income for Federal program eligibility, financial aid, student assistance, and dependent care received under the Perkins Act. Under current law, many Federal programs count such assistance in determining income eligibility, forcing women to choose between receiving a decrease in the Federal program allotment or attending a job training program which could make them economically self-sufficient. This is

contrary to Perkins' stated purpose of bringing more women into the vocational education system, and is not the result we intended when we passed the 1984 act.

Chairman HAWKINS' amendment mirrors the language of the Higher Education Act to exclude financial aid and student assistance when determining income eligibility for Federal programs, and requires the additional exclusion of dependent care as well. This exclusion will have significant impact for those able to benefit from it, and I applaud Chairman HAWKINS' amendment.

Although I am pleased with the direction that H.R. 7 has taken, I believe that this committee and the Congress will have to exercise vigilant oversight over its implementation to ensure that the special populations it targeted are given equal access to quality, applied technology education programs and the special services required to ensure their success.

The elimination of the existing set-asides for targeted populations, and the introduction of weighted formulas are intended to provide local school districts with greater flexibility for developing, planning, and implementing programs tailored to the needs of their communities. However, this greater flexibility and availability of Federal money at the local level are accompanied by assurances and guarantees to provide access to these programs by the special populations.

The participatory planning requirement contained in section 203 is language adopted directly from the Head Start Act, because of that program's recognized success in both its outcomes and its involvement of parents. The committee did this with the expectation that the effective procedures to be developed by the States for this purpose will provide for parents and students the same high levels of actual involvement in Head Start, as set forth in the Federal policy on Head Start parent involvement.

In order to ensure that these education programs meet the needs of the special populations and that these groups are given the special services they need to make use of these programs, it will be important to involve representatives of the affected groups, as well as parents, students, and teachers, in the design and evaluation of these programs at the State and local levels. As the committee report indicates, such participation also includes involvement in deciding on the methods and content for providing students and parents with program information under section 203(b), since such involvement will increase the likelihood that the information will effectively reach and be understood by parents and teachers.

The appeals section requires procedures which must provide, at a minimum, for the timely resolution of complaints, the presentation and examination of all information relevant to the issues and full representation of relevant viewpoints before an impartial individual with knowledge of the law and the applied technology education services available to students under this act. In order to make this process effective, it is imperative that the impartial individual be independent of, and not be an employee of, any agency providing services under this act.

These impartial procedures for appealing decisions do not, in any way, limit the remedies available to any individual under any other provision of this or other laws, such as section 1983 of the Civil Rights Acts, in order to obtain the benefits provided by this act.

I am hopeful that this new process will facilitate the development of the quality applied technology education programs this committee envisions.

However, these assurances contained in the bill will be meaningless unless they are implemented and monitored closely by the Federal, State, and local governments. Merely counting certain groups are counted for the purpose of driving the Federal funds to the local level does not guarantee that those populations will be served with that money. For too long, I have seen the poor and handicapped counted for funding purposes only while the actual use of the money was targeted for other groups.

I share the disability community's concerns about the funding changes in this bill. They were included as a targeted population under the current law because evidence proved they were being excluded from quality vocational education programs. Today the unemployment rate of the disabled is 66 percent. Certainly they will benefit from the progressive thrust of this bill as long as they continue to participate in these programs.

In order to ensure that the guarantees of equal access and nondiscrimination for members of special populations are implemented, States should use the same standards set forth in the Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocation Education Programs (appendix B of part 100 of title 34 of the Code of Federal Regulations). We must stand guard to ascertain that they are given the equal access envisioned by this new law.

I am pleased that foster children have been included as a special population. Special attention needs to be focused on this group of youth because, in addition to the disadvantages of poverty, they lack permanent families. Because of a critical shortage of placements nationwide, these children are often moved from placement to placement. This means that they also move from school to school. In the process, they often fail to acquire appropriate education, that provides them with marketable skills to become self-sufficient. By focusing attention on this small group of youth, we may be providing them with the resources they need to become productive members of their communities, and to avoid further dependence upon a Federal or State-supported system.

I am also pleased that this bill now permits juvenile detention facilities to be the recipients of Federal funds under this act. As with adults in correctional facilities, it is wise to invest job skills training in juvenile offenders in order to promote their employability upon their return to their communities.

Mr. WYDEN. Madam Chairman, today I rise in support of H.R. 7, the Applied Technology Education Amendments of 1989, and I hope that the legislation will be enacted in much the same form that we have voted on today. But it is also my hope that the conflicts which have

arisen over this legislation's funding allocation provisions will be resolved before the process is completed.

I understand that the goal in changing the allocation formula of Federal vocational education dollars is to place a priority on funding for local education agencies. The best overall goal however, is to expand our country's capability in providing every young person with the skills necessary to compete in the work force of the future. Reasonable people will differ as to how that may best be accomplished.

My own district is unique in that it contains both a large, urban school district and several small, financially distressed school districts in semirural areas.

Because this diversity in educational systems, the impact of this legislation concerns educators in my district in two distinct ways: The allocation provisions which will surely be of benefit to the large district could prove to undermine the smaller schools' ongoing efforts to deliver high-quality vocational education programs.

Oregon initiated "2+2" projects over 4 years ago to dramatically improve vocational and technical education programs throughout the State. This ambitious undertaking could not have been accomplished in Oregon without a strong State vocational education department to help the smaller school districts with technical assistance such as curriculum development, teacher training, and coordination with local community colleges and businesses.

Although the large, urban school district, Portland Public Schools, participates in the "2+2" program, it also needs the funding flexibility provided for in this legislation.

I commend to my colleagues the following letters from Oregon educators which are representative of the concerns expressed by both sides of this conflict over the funding allocation formula. It is my hope that the House-Senate Conference on this legislation will take these concerns about the funding allocation formula into account.

The letters follow:

OREGON VOCATIONAL ASSOCIATION,
Clackamas, OR, April 26, 1989.

HON. RON WYDEN,
House of Representatives,
Rayburn Building, Washington, DC.

DEAR RON: On behalf of some 4,000 secondary and postsecondary vocational technical education teachers and administrators, I am writing to bring to your attention seven major areas of concern on the markup of H.R. 7 by the Subcommittee on Elementary, Secondary, and Vocational Education. The seven concerns are as follows, but not necessarily in priority order:

1. The words "Vocational Education" are not in the bill title. Vocational technical education is a term that has credibility and acceptability. Applied technology is a term which does not encompass all vocational programs, while vocational technical education is flexible and resilient enough to include technologies under a working definition. In Oregon, we have opened and expanded the door of communications between business and industry through the term vocational technical education.

2. State Councils on Vocational Education would be merged into a new state Human Resources Council. Combining the State Vo-

national Councils, State Job Training Coordinating Council, Vocational Rehabilitation, adult education, and Wagner-Peyser is like combining apples and oranges. JTPA is training primarily for the economically disadvantaged, and vocational technical education is education. Vocational Councils serve as a catalyst between education, business/industry, and government to stimulate coordination and cooperation. In Oregon, the identity of vocational technical education would be lost with a Human Resource Council, and there would be little focus on vocational technical education because of the multiple roles of that council.

3. An 80-20% split is provided for local-state division of funds. Funding will only be available to LEAs which meet all criteria. In Oregon, a few of the things we will lose include:

- Innovative projects;
- Maintaining support of our Vocational Student Organizations;
- Maintaining state-level curriculum development activities;
- Maintaining inservice activities for vocational technical education teachers and administrators;
- Ability to provide technical assistance to school districts and community colleges; and
- Two-thirds of our state staff who provide the above services.

The weighted formula assures that schools with the greatest numbers of disadvantaged (Chapter I) and handicapped students would receive the most funds, but there appears to be no provisions for assuring additional services to the disadvantaged and handicapped so they can succeed in vocational technical education programs.

4. There are no title set-asides. We need to retain the set-asides provided for in H.R. 1128. Vocational education serves both the academically and economically disadvantaged who are students at risk. Services and programs serving special populations will be cut if these set-asides funds are eliminated. The opportunities provided by vocational education and the set-aside funds will enable these populations to prepare and be successful in the work place.

5. There will be no funds to a project in any school in any fiscal year unless the state and local effort per student equals or exceeds such effort for the preceding fiscal year. Oregon needs time to evaluate the effect of the impact of the data of last year's expenditures in order to determine the increases or decreases of federal funds to the districts. Based upon the evaluation of the current formula, our small schools would be out of the business of delivering vocational education. As you know, we have many small districts in Oregon. Since we have no state funding for vocational education in Oregon, our larger, wealthier districts can use excess funds to provide match for districts with few funds and for those who are currently in the "safety net" (50+ districts) making it possible to continue programs in rural areas and safety net districts that would otherwise be lost.

6. There is a \$5,000 floor for local education agency receipts. If an allocation is less than that, the LEA must join a consortium to get its share of the federal funds. The provision has the potential of decreasing access to vocational education in the many small districts in our state who would receive less than \$5,000 under this provision. Forcing these districts to join a consortium in order to access the federal funds has the possibility of other fiscal implications such as:

Providing transportation to programs in other schools; and

Forcing them to develop a central facility for vocational education which would be very costly.

7. Academically disadvantaged individuals are removed from the definition of disadvantaged. This provision targets dollars away from one of the most at risk groups. In Oregon, our experience has been that the term economically disadvantaged does not always mean these individuals need additional services in vocational programs to succeed. Our rural and urban areas without high numbers of economically disadvantaged often have high numbers of academically disadvantaged students who would not be served. There is no other source of money to serve this population.

In summation, the provisions in H.R. 7 are not good for Oregon. The language in H.R. 1128 best meets our needs in assuring access to and delivery of quality vocational technical education for all of our youth and adults, and it allows us to continue moving and expanding 2+2 technical preparatory and other articulated connected secondary and postsecondary programs which we have been working to implement statewide for the last four years.

Ron, the vocational technical education community in Oregon thanks you for your strong support and the action you are taking on our behalf. A very special thanks to your legislative assistant, Alicia Knight, who has worked long and diligently on our issues and concerns and who has gone above and beyond to keep us informed almost daily on the reauthorization issues and actions. Please feel free to contact me if you would like additional information.

Cordially,

NITA CRIMINS,
Legislative Chairperson.

PORTLAND PUBLIC SCHOOLS,
Portland, OR, May 2, 1989.

Re H.R. 7.

HON. RON WYDEN,

Rayburn Office Building, Washington, DC.

DEAR CONGRESSMAN WYDEN: This is written to urge your support for H.R. 7, Carl D. Perkins Applied Technology Education Amendments of 1989, as drafted and approved by the full House Committee on Education and Labor.

Vocational Education continues to be a high priority in the Portland Public Schools, and H.R. 7 represents a much needed boost to our efforts. This bill contains a number of important features which are beneficial to us including:

IMPROVED TARGETING ON HIGH-NEED AREAS

The revised formula will cause more funds to flow to areas such as urban school districts which have the greatest need. Additionally, the new formula will replace the current set-asides for specific target populations with a more flexible system.

PROVIDES CLEAR USE OF FUNDS

The program merges Parts A and B of the current Title II and focuses on improving or expanding local programs offering academic and occupational instruction in schools with the highest proportion of poor, handicapped or Limited-English Proficient students. It also ties academic and occupational education more closely without mandating a process.

COORDINATION BETWEEN SECONDARY AND POSTSECONDARY SCHOOLS

The bill encourages coordination in programming between secondary and postsec-

ondary schools, a goal we support and have been working towards for a number of years.

FLEXIBILITY

The bill simplifies the administrative aspects of the program by reducing the number of set-asides from seven to two, and eliminating both the matching and the excess cost requirement.

EQUIPMENT

A new \$100 million program specifically earmarked for local purchases of equipment to upgrade programs is included.

In summary, this is a much improved piece of federal Vocational Education legislation. It has the potential to offer urban school districts the opportunity to make significant changes in their existing vocational programs.

Sincerely,

MATTHEW W. PROPHEET,
Superintendent of Schools.

Mr. MARTINEZ. Madam Chairman, as Congress considers reauthorization of the Carl D. Perkins Vocational Education Act, I would respectfully call the attention of my colleagues to the development and implementation of a number of projects in California which are bringing high schools and community colleges together to articulate technological education which meets the needs of students, schools, and employers.

In California, so-called 2+2 projects have been setup as prototypes of new cooperative efforts that tie together community colleges, high schools and adult schools to identify local needs and to provide programs which permit smooth passage of students from high school into postsecondary programs and into the workforce.

Mr. FORD's "2+2 tech-prep" measure (H.R. 22) recognizes the importance of this approach, and the Committee on Education and Labor, under the guidance of Chairman HAWKINS, has incorporated the provisions of H.R. 22 as a cornerstone for upgrading and modernizing applied technological education in the Perkins Act reauthorization.

California's pioneering 2+2 projects were the result of a 1986 report on postsecondary education in California by the California Commission for Review of the Master Plan for Higher Education and the Joint Legislative Committee on the Review of the Master Plan. These studies noted the need for better articulation between high school and community colleges to guide students in continuing their education through the baccalaureate degree and in the work force. By developing programs that challenge students at each step and allow students to set career goals early, improved articulation would avoid the turn off, boredom, and expense of needless repetition of course material. By removing roadblocks, improved articulation of secondary and postsecondary programs make success an attainable goal for students.

California's system of cooperative action in vocational education is well developed and functions well. The board of governors of the community colleges and the State board of education have a long-established joint advisory policy committee which recommends the division of Perkins Vocational Education Act funds between the secondary schools and the community colleges. The two governing

boards have agreed that the community colleges should receive nearly 50 percent of all Perkins funds. They also proposed and established effective 2+2 programs.

The chancellor's office of California community colleges and the California Department of Education were able in 1986 to make available \$500,000 from title II-B of the Perkins Act to assist local high schools and community colleges in developing joint 2+2 projects in career, vocational and technical education. The State offices set appropriate statewide goals for the program and set project requirements that emphasized orderly transition of students through the educational system. These requirements made projects throughout the State comparable, and required statewide cooperation so that there would be no wasteful duplication of projects.

For those who were uncertain what "articulation" meant, State officials carefully defined the characteristics of effective articulation programs. "Educational program articulation" they said, "is a systematic process that enables an individual student to pursue a short-term or long-range career, vocational, or occupational preparation goal without duplication of courses or levels of competency. * * * A guiding principle for successful articulation is that no student should be required to repeat competencies for which credit or the equivalent was previously granted. The end result of successful articulation is for students to reach their desired career, vocational, or occupational education goals in an efficient sequence of progressive achievement." The State offices also identified 12 common elements that each proposal should contain, including a competency-based curriculum with input from business and industry, thus requiring that employers be included in the planning process.

In December 1986, California awarded \$526,000 to 21 proposals, 13 of them for planning purposes and 7 for implementation in instances where the high schools and community college involved had already accomplished the necessary preliminary planning. One award was given to "institutionalize" a 2+2 program that the participants had already begun to implement. Today, 3 years later, the chancellor's office and the California Department of Education have awarded a total of \$1.3 million as the projects have moved from planning, to implementation, to institutionalization.

In 1988 an evaluation of each of the 2+2 projects by an objective third party found active participation by high schools and community colleges in all projects, that regional occupational centers and programs took part in all but one project, and that adult schools participated in several. In addition, 4-year colleges and universities, not included in the original proposals, were also actively participating in several projects, with articulation agreements signed in some projects that could lead to "2+2+2" programs.

The evaluators also reported that the program helped open lines of communication between governing boards, administrators, teachers and counselors in the participating educational institutions and that the "understanding developed through careful review of course content and competencies led to

mutual respect and trust and a recognition of the important role each school plays in the continuum of learning".

Two of the original 21 projects were discontinued because of nonrelated problems, but today 16 California community college districts, a union high school district, a county office of education, and a regional occupational program are the funding agencies for the 19 ongoing 2+2 projects. These projects involve 23 community colleges, nearly 150 high schools, 21 regional occupational centers and programs, several private secondary schools, and six 4-year higher education institutions, both public and private. These programs offer courses and programs in 75 occupational fields, ranging from accounting and automotive occupations to computer programming, early childhood education, travel/tourism, and nursing.

While it is too early to identify a specific number of students who have completed the 2+2 program, I am told that the California Community Colleges Chancellor's Office and the State department of education are evaluating the programs this year, and will make every effort to monitor outcomes as these students progress through the system. A longitudinal study is being planned to monitor students as they progress on into 4 year colleges or the work force.

One of the most important anticipated benefits of this program is an increase in student retention and progress, especially among minorities and other special populations. 2+2+2 programs remove the roadblocks which have made it difficult and expensive for students to upgrade their occupational skills and academic achievements. Other economies of scale are being found as participating institutions share facilities, equipment, educational aids, faculty, and other resources. Finally, this program develops a firm base for California's and our Nation's continued economic development as it provides students with the skills they need for today's jobs, and opportunity to upgrade those skills to create tomorrow's jobs.

Madam Chairman, once again the States have been the laboratory of democracy. When flexibility is matched with accountability, States innovate to meet local and national needs. I submit that these programs, developed by local community colleges and high schools in California, with the encouragement and assistance of their State governing offices, can serve as models of the reforms the tech-prep measure will seek to stimulate to strengthen and modernize applied technological education. I urge my colleagues to support the reauthorization of the Perkins Act, H.R. 7.

Mr. FAUNTROY. Madam Chairman, I rise in strong support of H.R. 7, the Applied Technology Education Amendments of 1989. I am proud to be an original cosponsor of H.R. 7, which will reauthorize through 1995 the Carl D. Perkins Vocational Education Act. This reauthorization continues our Nation's support for occupational education programs in the schools in the amount of \$1.4 billion in fiscal year 1990 and such sums as may be necessary in fiscal years 1991 through 1995.

H.R. 7 also makes a number of changes regarding the manner in which our federally supported occupational education programs are

to be carried out, and purposes of programs funded under H.R. 7 are clarified. The legislation limits the use of Federal funds to the improvement of programs that combine academic and occupational education. It also requires that programs to be funded be characterized by coherent sequences of courses leading to the acquisition of a job skill and academic competence. H.R. 7 also mandates that access be assured to the poor, handicapped, and limited-English-speaking populations through the provision of supportive services.

Better and more efficient targeting will also be enhanced through this reauthorizing legislation. Under H.R. 7, the use of an intrastate formula would be utilized to assure that Federal funds are directed on an equitable basis to school districts, community colleges, and other eligible local institutions. The legislation seeks to insure that areas of greatest need receive assistance commensurate with that need.

With reference to technical training, the bill establishes a new program designed to encourage secondary schools and community colleges to structure course sequences to enhance student's technical skills. Finally, the bill provides a number of amendments which will improve coordination among five key Federal education programs: applied technology education, the Job Training Partnership Act, adult education, vocational rehabilitation, and the Wagner-Peyser Act.

Madam Chairman, this legislation meets a challenging need: To improve the education of our citizenry as a prerequisite to our Nation's ability to compete in the world market. As I stated in the debate on H.R. 2, the Fair Labor Standards Amendments of 1989, we have only two choices with regard to our labor force: to exploit people or to invest in them. The Vocational Education Reauthorization represents the proper kind of investment in our people.

I urge my colleagues to pass H.R. 7.

Mr. FRENZEL. Madam Chairman, recently, a new phrase has entered the vocabularies of those of us on Capitol Hill. It is "the forgotten half." This term is used to refer to the students of the Nation who choose not to pursue traditional college educations. Instead, these students enroll or should enroll, in post-secondary vocational education programs. The Nation has been accused of forgetting these important programs while concentrating on the more traditional postsecondary education system.

This year, Congress must scrutinize the system that serves these students. Using H.R. 7 as a launching point, we will need to devise a bill which ensures that the Federal moneys earmarked for special populations of vocational education students benefit those students and the schools which serve them.

However, there are specifics of H.R. 7 which must be reevaluated and negotiated before I can support this bill wholeheartedly. Looming at the top of the list of necessary alterations is the stipulation that the regulations developed under the act would not be subject to OMB approval. The administration has already voiced its opposition to this provision which would effectively negate on the prerogatives of the executive branch. Until OMB au-

thority is restored, the bill is veto bait, and deserves to be.

I very much want to support the Reauthorization of the Perkins Act. After all, proper vocational training is necessary to provide citizens with the ever-changing, and ever-advancing, skills required of this country's labor force. As our world and our country become more technologically advanced, vocational education will continue to be immensely important to those citizens who do not choose traditional postsecondary education alternatives.

It is my hope that we can rectify the few stumbling blocks which appear in H.R. 7 with amendments offered on the floor. Then we will have a truly bipartisan measure provides maximum benefits to this country and its citizens.

Ms. PELOSI. Madam Chairman, I rise in support of the Carl D. Perkins Vocational Education Act Amendments. Vocational education is essential if we are to prepare our young people to be productive members of society.

The administrator of a college in my district has raised some concern that the new allocation formula for vocational education funds may hamper the ability of local school districts with high concentrations of academically disadvantaged students to provide special services to these students. While I applaud the committee's effort to reach economically disadvantaged students with this new allocation formula, we must not deny important vocational education to students with academic disabilities.

I have been assured by the committee staff that language in the bill, specifically on page 10 of the committee report, would prohibit any discrimination against programs for academically disadvantaged students. I urge that this language be adhered to and I urge my colleagues to support this bill.

I also commend the chair of the committee, Mr. HAWKINS, and the ranking Republican, Mr. GOODLING, for their leadership on this legislation.

Mr. DORGAN of North Dakota. Madam Chairman, today the House passed H.R. 7, the Applied Technology Education Amendments of 1989. The title of this bill signifies the shift of emphasis that has taken place in approaching vocational education. I certainly understand the need to provide better job training to prepare young Americans to meet the needs of a rapidly changing job market, which is driven by the growth in technology used in our Nation's industry. However, I feel that we cannot afford to forget the academic component to vocational education and I am afraid that the Applied Technology Education Amendments Act is moving in this direction.

I am a strong supporter of vocational education. Vocational education is vital to many young people seeking to prepare themselves for the working world. Vocational education provides many opportunities that were previously not available 20 or 30 years ago. I support this legislation but I do so with some reservations. My concern is with some of the changes that this bill makes with current law.

The Applied Technology Education Amendments Act provides that funds would be distributed within a State according to a formula

designed to give priority to special needs students. This new formula places strict requirements on States to redirect their spending priorities which could cause significant reductions in funds to certain districts that do not have these special needs students.

Madam Chairman, I am not against helping students with special needs. However, I am also concerned with the average vocational students in the average vocational school that will now have funds withdrawn.

The fundamental difficulty I see in this legislation is that it severely restricts the flexibility that States have to work with the unique populations within a State. I think that in my home State of North Dakota our vocational education leaders have done a pretty good job of serving students of all abilities and of all needs—the special students and the average student.

Madam Chairman, I support this legislation. But I hope that we will examine closely the effects that this bill's provisions will have on State vocational education programs and be willing to make the necessary adjustments if appropriate.

Mr. WEBER. Madam Chairman, last week, Secretary of Education Cavazos released the Department's sixth annual assessment of education performance in the States—and the report has led to one inescapable conclusion; there is clearly room for improvement in academic performance at all education levels and in all areas of the country. The Secretary has rightly pointed out that despite the fact that the United States leads all of our foreign competitors in per student spending, we trail these same competitors in virtually every identifiable area of educational achievement and performance.

However, we have before us today the reauthorization of one of the most vital planks in our Federal education platform—vocational education. Given the level of academic achievement in this country, the job skills which will be required by a dynamic, evolving, and increasingly competitive labor market, and the demographic changes which will be driving that labor market, I can think of no better investment than a modern vocational or applied technology program. In fact, vocational programs will prepare students for over 70 percent of the occupations that the Department of Labor predicts will account for the largest number of new jobs by 1995.

I support this not only because these programs will be a cornerstone of our effort to match future international economic competition, but because vocational education has proven to be even more essential in meeting the educational and economic needs of countless rural communities across our country.

Rural areas are geographically dispersed, economically decentralized, and relatively modest in terms of investments in technology and capital, and these factors combine to make education achievement and quality harder to attain than for their urban counterparts.

A relatively modest investment of time and resources in these areas would open avenues to target the unique problems facing parents, students, and educators in rural America. Although students enrolled in small, rural schools represent nearly a third of the Ameri-

can school age population, declining economic resources and dwindling population hamper efforts by these schools to address such problems as dropout prevention, providing adequate vocational and academic skills, and the recruitment, training, and retention of qualified teachers.

One section of this bill is particularly worthy of note. I have long felt that the development and acquisition of new technologies and equipment by rural educators will provide expanded vocational and academic opportunities to wider and wider geographic areas, and in current, advanced, or specialized course material. The \$100 million authorized in this bill for the improvement of facilities and acquisition of equipment will help maintain the viability of vocational education programs in small towns and rural communities—which is clearly a national, rather than parochial, concern.

Given a flexible, properly coordinated, and adequately funded Federal vocational education effort, as well as the active commitment and participation of State and local officials, teachers, and parents, it is not difficult to foresee a renaissance in rural education in general, and applied technology education in particular. By continuing innovative approaches in these areas, we can assure, by the end of this century, that the unique problems, facing vocational education in rural communities become unique solutions and opportunities for rural students and teachers.

Mr. CHANDLER. Madam Chairman, the Carl D. Perkins Applied Technology Act, H.R. 7, under consideration today, would reauthorize Federal spending for vocational and technical education through 1995.

In 1984, while a member of the House Education and Labor Committee, I had the opportunity to work on the first major overhaul of Federal vocational education funding since 1976. In an effort to bring vocational programs more in line with changing times, that measure provided for increased coordination with the private sector and for special attention to the training needs of women and workers looking for new job skills.

Vocational education continues to pay dividends multifold. A more skilled work force is its best result. Today, we will have the opportunity to not only reauthorize this Federal Education Program, but significantly expand it.

Madam Chairman, in a time when fiscal restraint is so terribly important, it is good to see the majority and the minority of the committee agree on a package of such merit. I hope my colleagues will join with me in supporting vocational education with a "yes" vote on the committee substitute for H.R. 7.

Mr. HAWKINS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each title is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Applied Technology Education Amendments of 1989".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—COORDINATION OF PROGRAMS FOR APPLIED TECHNOLOGY EDUCATION AND RELATED PROGRAMS

SEC. 101. STATE HUMAN INVESTMENT COUNCILS.

(a) STATE HUMAN INVESTMENT COUNCIL.—Each State that receives assistance under an applicable program shall establish a single State council to—

(1) review the provision of services and the use of funds and resources under applicable programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the provisions of the applicable programs; and

(2) advise the Governor on the development and implementation of State and local standards and measures developed under section 122, and coordination of such standards and measures with any standards and measures applicable to any applicable program.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—Each State council established as required by subsection (a) shall consist of the following members appointed by the Governor:

(A) 30 percent shall be appointed from representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the State established under section 102 of the Job Training Partnership Act.

(B) 30 percent shall be appointed from representatives of organized labor and representatives of community-based organizations in the State.

(C) 20 percent shall consist of—

(i) the chief administrative officer from each of the State agencies primarily responsible for administration of an applicable program; and

(ii) other members appointed from representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State board of education (if not otherwise represented), the State public assistance agency, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, the State veterans' affairs agency (or its equivalent), State career guidance and counseling organizations, and any other agencies the Governor determines to have a direct interest in the utilization of human resources within the State.

(D) 20 percent shall be appointed from—

(i) representatives of units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;

(ii) representatives of local educational agencies and postsecondary institutions, which appointments shall be equitably distributed between such agencies and such institutions and shall be made from nominations made by local educational agencies

and postsecondary institutions, respectively; and

(iii) individuals who have special knowledge and qualifications with respect to the special education and career development needs of individuals who are members of special populations, women, and minorities, including one individual who is a representative of special education.

(2) TERMS.—(A) Except as provided in subparagraphs (B) and (C), members other than members described in paragraph (1)(C)(i) shall be appointed for terms of 3 years and may be reappointed.

(B) Of the members first appointed—

(i) $\frac{1}{3}$ shall be appointed for a term of 1 year;

(ii) $\frac{1}{3}$ shall be appointed for a term of 2 years; and

(iii) $\frac{1}{3}$ shall be appointed for a term of 3 years,

as designated by the Governor at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed in the same manner as such predecessor and only for the remainder of such term. A member may serve after the expiration of the member's term until the member's successor has taken office.

(D) The Governor may not disband the State council except in the case of gross negligence or misconduct in violation of the requirements established with respect to the applicable programs.

(c) MEETINGS.—For the purposes of this section, the State council shall meet at such times and in such places as it deems necessary, but not less than once per year. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(d) BUDGET.—In order to carry out its functions under this Act and under any applicable program, the State council shall prepare and approve a budget for itself.

(e) STAFF.—The State council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act and under any applicable program.

(f) CERTIFICATION.—The State shall certify to the Secretary of Labor the establishment and membership of the State council at least 90 days before the beginning of each period of 2 program years for which a job training plan is submitted under the Job Training Partnership Act.

(g) APPLICABLE PROGRAMS.—For the purposes of this title, the term "applicable program" means any program under any of the following provisions of law:

(1) The Adult Education Act.

(2) The Carl D. Perkins Applied Technology Education Act.

(3) The Job Training Partnership Act.

(4) The Rehabilitation Act of 1973.

(5) The Wagner-Peyser Act.

(h) DUTIES UNDER THE ADULT EDUCATION ACT.—

(1) IN GENERAL.—Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) by amending the section heading to read as follows:

"SEC. 332. DUTIES OF THE STATE HUMAN INVESTMENT COUNCIL WITH RESPECT TO ADULT EDUCATION."

(B) by amending subsection (a) to read as follows:

"(a) REQUIREMENT.—

"(1) Any State desiring to participate in the programs authorized by this title shall

establish a State human investment council as required by section 101(a) of the Applied Technology Education Amendments of 1989 and shall require such council to act as a State advisory council on adult education.

"(2) A State that complies with the requirements of paragraph (1) may use funds under this subpart for the purposes of costs of the council attributable to this section."

(C) by striking subsection (b);

(D) by redesignating subsection (c) as subsection (b);

(E) in subsection (b) (as redesignated by subparagraph (D) of this paragraph)—

(i) by striking "and membership"; and

(ii) by striking "State advisory council" and inserting "State human investment council";

(F) by striking subsections (d) and (e);

(G) by redesignating subsection (f) as subsection (c); and

(H) in subsection (c) (as redesignated by subparagraph (G) of this paragraph), by striking "State advisory council" and inserting "State human investment council".

(2) CONFORMING AMENDMENTS.—(A) Paragraph (2) of section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended by striking "the State advisory council established pursuant to section 332" and inserting "the State human investment council".

(B) Subsection (a) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(i) in paragraph (1), by striking "the State advisory council" and all that follows and inserting "the State human investment council"; and

(ii) in subparagraph (B) of paragraph (3),—

(I) in the first sentence, by striking "the State advisory council" and all that follows and inserting "the State human investment council"; and

(II) in the second and third sentences, by striking "the State advisory council" each place it appears and inserting "the State human investment council".

(C) Section 312 of the Adult Education Act (20 U.S.C. 1201a) is amended by adding at the end the following new paragraph:

"(16) The term 'State human investment council' means the State human investment council described in section 332(a)."

(i) DUTIES UNDER THE JOB TRAINING PARTNERSHIP ACT.—

(1) IN GENERAL.—Section 122 of the Job Training Partnership Act (29 U.S.C. 1532) is amended—

(A) by amending the section heading to read as follows:

"DUTIES OF THE STATE HUMAN INVESTMENT COUNCIL WITH RESPECT TO JOB TRAINING"; and

(B) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

"(1) Any State which desires to receive financial assistance under this Act shall establish a State human investment council as required by section 101(a) of the Applied Technology Education Amendments of 1989 and shall require such council to act as a State job training coordinating council. Funding for the duties of the council under this Act shall be provided pursuant to section 202(b)(4)."

(ii) by striking paragraphs (2), (3), and (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (2), (3), and (4), respectively;

(iii) in paragraph (2) (as redesignated by clause (ii) of this subparagraph), by striking "State council" and inserting "State human investment council";

(iv) in paragraph (3) (as redesignated by clause (ii) of this subparagraph), by striking "State council" and inserting "State human investment council, in carrying out its duties under this Act,"; and

(v) in paragraph (4) (as redesignated by clause (ii) of this subparagraph), by striking "State council" and inserting "State human investment council relative to carrying out its duties under this Act".

(2) CONFORMING AMENDMENTS.—(A) The table of contents contained in section 1 of the Job Training Partnership Act is amended—

(i) by striking the item relating to section 122 and inserting the following new item:

"Sec. 122. Duties of the State human investment council relating to job training."; and

(ii) by striking the item relating to section 317 and inserting the following new item:

"Sec. 317. Functions of the State human investment council."

(B) Section 4 of the Job Training Partnership Act (29 U.S.C. 1503) is amended by adding at the end the following new paragraph:

"(30) The term 'State human investment council' means the State human investment council described in section 122(a)."

(C) Paragraph (1) of section 101(a) of the Job Training Partnership Act (29 U.S.C. 1511(a)) is amended by striking "State job training coordinating council" and inserting "State human investment council".

(D) Subsection (a) of section 255 of the Job Training Partnership Act (29 U.S.C. 1634) is amended by striking "State job training coordinating councils" and inserting "State human investment councils".

(E) Paragraph (9) of section 311(b) of the Job Training Partnership Act (29 U.S.C. 1661(b)) is amended by striking "State job training coordinating council" and inserting "State human investment council".

(F) Subsection (a) of section 312 of the Job Training Partnership Act (29 U.S.C. 1661a) is amended by striking "State job training coordinating council" and inserting "State human investment council".

(G) Subsection (a) of section 313 of the Job Training Partnership Act (29 U.S.C. 1661b) is amended by striking "State job training coordinating council" and inserting "State human investment council".

(H) Subparagraph (C) of section 314(b)(1) of the Job Training Partnership Act (29 U.S.C. 1661c(b)(1)) is amended by striking "State job training coordinating council" and inserting "State human investment council".

(I) Section 317 of the Job Training Partnership Act (29 U.S.C. 1661f) is amended—

(i) by amending the section heading to read as follows:

"FUNCTIONS OF THE STATE HUMAN INVESTMENT COUNCIL"; and

(ii) by striking "State job training coordinating council" and inserting "State human investment council".

(J) Subsection (b) of section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended by striking "State job training coordinating council" each place it appears and inserting "State human investment council".

(K) Subsection (a) of section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is amended by striking "State job training coordinating council" and inserting "State human investment council".

(j) DUTIES UNDER THE REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29

U.S.C. 701 et seq.) is amended by inserting after section 18 the following new section:

"STATE HUMAN INVESTMENT COUNCIL

"SEC. 19. The State human investment council established under section 101(a) of the Applied Technology Education Amendments of 1989 shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Applied Technology Education Act;

"(3) the Job Training Partnership Act; and

"(4) the Wagner-Peyser Act."

(k) DUTIES UNDER THE WAGNER-PEYSER ACT.—The Wagner-Peyser Act (29 U.S.C. 49) is amended—

(1) by redesignating section 15 as section 16; and

(2) by inserting after section 14 the following new section:

"SEC. 15. The State human investment council established under section 101(a) of the Applied Technology Education Amendments of 1989 shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Applied Technology Education Act;

"(3) the Job Training Partnership Act; and

"(4) the Rehabilitation Act of 1973."

(l) EFFECTIVE DATE.—This section shall take effect on July 1, 1990.

SEC. 102. INTERDEPARTMENTAL TASK FORCE ON COORDINATION OF APPLIED TECHNOLOGY EDUCATION AND RELATED PROGRAMS.

(a) ESTABLISHMENT.—There is established the Interdepartmental Task Force on Applied Technology Education and Related Programs (hereafter in this section referred to as the "Task Force").

(b) MEMBERSHIP.—The Task Force shall consist of the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and such other personnel of the Department of Education, the Department of Labor, and the Department of Health and Human Services as the Secretaries consider appropriate.

(c) DUTIES.—The Task Force shall—

(1) examine principal data required for programs under the Adult Education Act, the Carl D. Perkins Applied Technology Education Act, the Job Training Partnership Act, the Rehabilitation Act of 1973, and the Wagner-Peyser Act;

(2) examine possible common objectives, definitions, measures, and standards for such programs; and

(3) consider integration of research and development conducted with Federal assistance in the area of applied technology education and related areas, including areas of emerging technologies.

(d) REPORT TO CONGRESS.—The Task Force shall annually submit a report on its findings to the appropriate committees of the Congress.

SEC. 103. JOINT FUNDING OF FEDERAL PROGRAMS.

(a) ADULT EDUCATION ACT.—Section 322 of the Adult Education Act (20 U.S.C. 1203a) is amended by adding at the end the following new subsection:

"(c) JOINT FUNDING.—

"(1) Funds paid to a State under subsection (a) may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act; and

"(B) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(2) For purposes of this section, the term 'applicable program' means any program under any of the following provisions of law:

"(A) The Carl D. Perkins Applied Technology Education Act.

"(B) The Job Training Partnership Act.

"(C) The Rehabilitation Act of 1973.

"(D) The Wagner-Peyser Act."

(b) JOB TRAINING PARTNERSHIP ACT.—

(1) EDUCATION AND TRAINING.—Section 123 of the Job Training Partnership Act (29 U.S.C. 1533) is amended by adding at the end the following new subsection:

"(e)(1) Sums available for this section pursuant to section 202(b)(1) may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act; and

"(B) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(2) For purposes of this subsection, the term 'applicable program' means any program under any of the following provisions of law:

"(A) The Adult Education Act.

"(B) The Carl D. Perkins Applied Technology Education Act.

"(C) The Rehabilitation Act of 1973.

"(D) The Wagner-Peyser Act."

(2) TRAINING SERVICES FOR THE DISADVANTAGED.—Section 204 of the Job Training Partnership Act (29 U.S.C. 1604) is amended—

(A) by inserting "(a)" after "Sec. 204."; and

(B) by adding at the end the following new subsection:

"(b)(1) Funds provided under this title may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act; and

"(B) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(2) For purposes of this subsection, the term 'applicable program' means any program under any of the following provisions of law:

"(A) The Adult Education Act.

"(B) The Carl D. Perkins Applied Technology Education Act.

"(C) The Rehabilitation Act of 1973.

"(D) The Wagner-Peyser Act."

(3) EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.—Section 314 of the Job Training Partnership Act (29 U.S.C. 1661c) is amended by adding at the end the following new subsection:

"(g) JOINT FUNDING.—(1) Funds allotted under section 302 may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act; and

"(B) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(2) For purposes of this subsection, the term 'applicable program' means any program under any of the following provisions of law:

"(A) The Adult Education Act.

"(B) The Carl D. Perkins Applied Technology Education Act.

"(C) The Rehabilitation Act of 1973.

"(D) The Wagner-Peyser Act."

(c) REHABILITATION ACT OF 1973.—Section 16 of the Rehabilitation Act of 1973 (29 U.S.C. 715) is amended—

(1) in subsection (a), by inserting "and subsection (c)" after "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(d)(1) Funds made available to States under this Act may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act; and

"(B) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(2) For purposes of this subsection, the term 'applicable program' means any program under any of the following provisions of law:

"(A) The Adult Education Act.

"(B) The Carl D. Perkins Applied Technology Education Act.

"(C) The Job Training Partnership Act.

"(D) The Wagner-Peyser Act."

(d) WAGNER-PEYSER ACT.—Section 7 of the Wagner-Peyser Act is amended by adding at the end the following new subsection:

"(d)(1) Funds made available to States under this section may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act; and

"(B) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(2) For purposes of this subsection, the term 'applicable program' means any program under any of the following provisions of law:

"(A) The Adult Education Act.

"(B) The Carl D. Perkins Applied Technology Education Act.

"(C) The Job Training Partnership Act.

"(D) The Rehabilitation Act of 1973."

SEC. 104. UNIFORM ELIGIBILITY CRITERIA.

Section 4 of the Job Training Partnership Act (29 U.S.C. 1602(b)(3)) is amended—

(1) by adding at the end of paragraph (8) the following new sentence: "Such term includes any individual who is determined to be disadvantaged for purposes of the Carl D. Perkins Applied Technology Education Act."; and

(2) by adding at the end of paragraph (10) the following new sentence: "Such term includes any individual who is determined to be entitled to a free appropriate public education under the Education of the Handicapped Act."

The CHAIRMAN. Are there any amendments to title I?

AMENDMENTS OFFERED BY MR. HAWKINS

Mr. HAWKINS. Madam Chairman, I offer a set of amendments.

The Clerk read as follows:

Amendments offered by Mr. HAWKINS: Page 4, line 17, insert before the comma the following: "(including representatives of secondary and postsecondary vocational institutions)".

Strike line 20 on page 26 and all that follows through line 3 on page 27 and insert the following:

"(2) No amounts are authorized to be appropriated under subparagraph (C), (D), (E), or (F) for the fiscal year 1990 unless the

amount appropriated pursuant to subsection (a) for such fiscal year equals for exceeds the amount necessary to carry out activities for which such amount is appropriated at the level at which such activities were carried out in the preceding fiscal year.

Page 28, line 9, strike "No" and insert the following: "Subject to clause (iii), no".

Page 28, line 20 strike the closing quotation marks and the second period.

Page 28, after line 20, insert the following new clause:

"(iii) Notwithstanding the provisions of clauses (i) and (ii), no State shall be allotted an amount under this section in any fiscal year that is less than the amount such State was allotted in fiscal year 1989."

Page 29, line 7, strike "plan," and insert "plan or \$250,000, whichever is greater."

Page 34, after line 20, insert the following new clause (and redesignate the succeeding clauses accordingly):

(i) in subparagraph (A), by inserting before the semicolon the following: "using information gathered by the National Occupational Information Coordinating Committee and other available information";

Page 35, by striking lines 6 through 12 and inserting the following:

"(v) the capability of applied technology education programs to provide applied technology students with—

"(I) strong experience in and understanding of all aspects of the industry the students are preparing to enter (including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues); and

"(II) strong development and use of problem-solving skills and basic and advanced academic skills (including skills in the areas of mathematics, reading, writing, science, and social studies) in the technological setting;"

Page 36, line 2, insert "and" after the semicolon.

Page 36, strike line 4 and insert the following:

subparagraph (F) and inserting "; and";

Page 36, strike lines 5 through 14.

Page 39, strike line 7 and insert the following:

and inserting a semicolon; and

Page 39, line 9, strike "paragraph" and insert "paragraphs".

Page 39, after line 9, and insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(18) provide procedures by which an area applied technology education school may appeal decisions adverse to its interests with respect to programs assisted under this Act; and

Page 40, line 16, insert after "colleges" the following: ", technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary applied technology education".

Page 44, strike line 25 "and".

Page 44, after line 25, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(9) with respect to each local educational agency that is working in a consortium described in section 201(b), describe how the local educational agency will plan in consultation with and provide funds to each area applied technology education school in the consortium according to such school's relative share of applied technology education students who are students with handicaps, disadvantaged students, or students of limited English proficiency; and

Page 60, after line 5, insert the following new paragraph:

"(3)(A) In any academic year that a local educational agency or eligible institution does not expend all of the amounts it is allocated for such year under paragraph (1) or paragraph (2), such local educational agency or eligible institution shall return any unexpended amounts to the State to be reallocated under paragraph (1) or paragraph (2), as appropriate.

"(B) In any academic year in which amounts are returned to the State under paragraph (1) and the State is unable to reallocate such amounts according to such paragraph in time for such amounts to be expended in such academic year, the State shall return such amounts to be distributed in combination with amounts provided under this title for the following academic year.

Page 61, line 10, strike "or".

Page 61, after line 25, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(2) Funds provided under this title shall not be used to duplicate facilities or services available from Federal, State, or local sources in the area served by the local educational agency or eligible institution unless such agency or institution demonstrates to the State board that alternative services or facilities would be more effective or more likely to achieve the goals of such agency or institution.

Page 62, line 13, insert "technical institute," after "school."

Page 69, line 19, strike "and".

Page 69, line 22, strike the period and insert "; and".

Page 69, after line 22, insert the following new paragraph:

"(5) in the case of a local educational agency working in a consortium described in section 201(b), determine, in consultation with each area applied technology education school in the consortium, such school's relative share of applied technology education students who are students with handicaps, disadvantaged students, or students of limited English proficiency.

Page 70, line 24, strike "sections" and insert "contents".

Page 70, line 25, strike "this" and insert "the".

Page 83, line 7, insert "or instructional materials" before the period.

Page 83, beginning on line 18, strike "The" and all that follows through the period on line 20.

Strike line 19 on page 86 and all that follows up to line 16 on page 88 and insert the following:

"SEC. 351. STATEMENT OF PURPOSE.

"It is the purpose of this part to provide funding to enable local educational agencies in economically depressed areas to improve facilities and acquire or lease equipment to be used to carry out applied technology education programs that receive assistance under this Act.

"SEC. 352. ALLOTMENT TO STATES.

"(a) IN GENERAL.—From any amounts appropriated for purposes of carrying out this part, the Secretary shall allot to each State an amount which bears the same ratio to such amounts as the total number of children in the State aged 5 to 17, inclusive, eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965 in each eligible local educational agency in the State bears to the total number of such children in all States.

"(b) ELIGIBLE AGENCIES.—For the purposes of this part, an eligible local educational agency is a local educational agency in which 20 percent of the children are eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965.

"SEC. 353. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION OF ALL GRANT AMOUNTS.—In each fiscal year for which a State receives a grant under this part, the State shall distribute not less than 100 percent of the amounts made available under the grant to eligible local educational agencies as provided in subsection (b).

"(b) RURAL-URBAN DISTRIBUTION.—Each State that receives a grant under this part shall, taking into consideration the numbers and types of eligible local educational agencies within the State, distribute the amounts made available under the grant so that—

"(1) 50 percent of such amounts are distributed as grants to eligible local educational agencies in rural areas; and

"(2) 50 percent of such amounts are distributed as grants to local educational agencies in urban areas.

"SEC. 354. STATE APPLICATIONS.

"(a) IN GENERAL.—Each State that desires to receive a grant under this part shall submit to the Secretary an application at such time, and containing or accompanied by such information as the Secretary may reasonably require. Such application shall—

"(1) designate the sole State agency described in section 111(a)(1) as the State agency responsible for the administration and supervision of activities carried out with assistance under this part;

"(2) provide for a process of consultation with the State human investment council established under section 101(a) of the Applied Technology Education Amendments of 1989;

"(3) describes how funds will be allocated in a manner consistent with section 353 that will serve eligible local educational agencies with the greatest need, especially—

"(A) eligible local educational agencies with the highest percentages of children eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965;

"(B) eligible local educational agencies that have the greatest need based on the age and condition of the building or equipment used by such agencies; and

"(C) eligible local educational agencies that show a need for the improvement or acquisition proposed to be made with assistance provided under this part for purposes of addressing community economic or employment issues;

"(4) provide for an annual submission of data concerning the use of funds and students served with assistance under this part;

"(5) provide that the State educational agency will keep such records and provide such information to the Secretary as may be required for purposes of financial audits and program evaluations; and

"(6) contain assurances that the State will comply with the requirements of this part.

"(b) PERIOD OF APPLICATION.—An application submitted by the State under subsection (a) shall be for a period of not more than 3 years and shall be amended annually.

"SEC. 355. LOCAL APPLICATIONS.

"Each local educational agency that desires to receive a grant under this part shall

submit to the State an application at such time, and containing or accompanied by such information, as the State may reasonably require."

(b) **CLERICAL AMENDMENT.**—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 346 the following new items:

"PART F—IMPROVEMENT OF FACILITIES AND ACQUISITION OF EQUIPMENT

"Sec. 351. Statement of purpose.

"Sec. 352. Allotment to States.

"Sec. 353. Allocation to local educational agencies.

"Sec. 354. State applications.

"Sec. 355. Local applications."

Strike line 21 on page 91 and all that follows through line 4 on page 92 and insert the following:

"(c) DISSEMINATION.—

"(1) The Secretary shall establish a system for disseminating information resulting from research and development activities carried out under this Act. In establishing such system, the Secretary shall use existing dissemination systems, including the National Diffusion Network, the National Center for Research in Applied Technology Education, and the National Network for Curriculum Coordination in Applied Technology Education (if established under paragraph (2)), in order to assure broad access at the State and local levels to the information being disseminated.

"(2)(A) In order to comply with paragraph (1), the Secretary may establish an organization to be known as the National Network for Curriculum Coordination in Applied Technology Education (hereafter in this paragraph referred to as the 'Network'). Any such organization shall—

"(i) provide national dissemination of information on effective applied technology education programs and materials, with particular attention to regional programs;

"(ii) be accessible by electronic means;

"(iii) provide leadership and technical assistance in the design, development, and dissemination of curricula for applied technology education;

"(iv) coordinate the sharing of information among the States with respect to applied technology education curricula;

"(v) reduce duplication of effort in State activities for the development of applied technology education curricula; and

"(vi) promote the use of research findings with respect to applied technology education curricula.

"(B) The Secretary shall encourage the designation by each State of a liaison representative for the Network."

Page 106, after line 7, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) in paragraph (2)—

(A) in subparagraph (C), by striking "and";

(B) by inserting "and" at the end of subparagraph (D); and

(C) by adding at the end the following new subparagraph:

"(E) employment-based learning programs;"

Page 106, line 15, strike "and".

Page 106, line 23, strike the first period, the closing quotation marks, and the second period and insert "; and".

Page 106, after line 23, insert the following new paragraph:

"(6) model programs providing improved access to applied technology education programs through centers to be known as agriculture action centers, which programs shall

be operated under regulations developed by the Secretary in consultation with the Secretary of Labor and—

"(A) shall assist—

"(i) individuals who are adversely affected by farm and rural economic downturns;

"(ii) individuals who are dislocated from farming; and

"(iii) individuals who are dislocated from agriculturally-related businesses and industries that are adversely affected by farm and rural economic downturns;

"(B) shall provide services, including—

"(i) crisis management counseling and outreach counseling that would include members of the family of the affected individual;

"(ii) evaluation of applied technology skills and counseling on enhancement of such skills;

"(iii) assistance in obtaining training in basic, remedial, and literacy skills;

"(iv) assistance in seeking employment and training in employment-seeking skills; and

"(v) assistance in obtaining training related to operating a business or enterprise;

"(C) shall provide for formal and on-the-job training to the extent practicable; and

"(D) shall be coordinated with activities and discretionary programs conducted under title III of the Job Training Partnership Act."

Strike line 20 on page 115 and all that follows through line 11 on page 116 (and redesignate the succeeding subsections accordingly).

Page 123, strike lines 7 through 25 and insert the following:

"(a) INFORMATION RELATING TO STUDENTS WITH HANDICAPS.—

"(1) The Secretary shall ensure that adequate information on access to applied technology education by secondary school students with handicaps is maintained in the data system established under section 421.

"(2) **BASIS FOR INFORMATION.**—The system shall include detailed information obtained through scientific sample surveys concerning—

"(A) types of programs available; and

"(B) enrollment of students with handicaps by—

"(i) type of program;

"(ii) type of instructional setting; and

"(iii) type of handicap.

"(3)(A) The General Accounting Office shall conduct a 3-year study, using representative samples, of the effects of the amendments made by title II of the Applied Technology Education Amendments of 1989 on the access to and participation in applied technology education programs, including secondary and postsecondary programs, by disadvantaged students, students with handicaps, students of limited English proficiency, and, to the extent practicable, foster children.

"(B) The study shall include consideration of issues such as—

"(i) the proportion of students described in paragraph (1) who are enrolled in applied technology education programs during the first 3 program years to which the Applied Technology Education Amendments of 1989 applies compared to the program year preceding such years;

"(ii) the number of such students who enroll in applied technology education programs for the first time during the period of the study;

"(iii) the number of such students who participate in applied technology education programs that lead to an occupational skill or job placement;

"(iv) the extent to which academies are incorporated with applied technology education courses;

"(v) the manner in which applied technology education programs have addressed special needs of such students for supportive services, material, and equipment;

"(vi) the comparability of applied technology education services provided to such students with applied technology education services provided to students who are not members of special populations; and

"(vii) in the case of students with handicaps—

"(I) the types and severity of handicaps of such students who enroll in applied technology education programs;

"(II) the extent to which such students participate in the same applied technology education programs as students who do not have handicaps;

"(III) the number of such students with individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act who have individualized education programs that include applied technology education programs;

"(IV) the extent to which special personnel such as special education personnel or vocational rehabilitation personnel assist in the selection and provision of applied technology education programs with respect to such students;

"(V) the extent to which such students and their parents are involved in selecting applied technology education courses and programs;

"(VI) the number of such students who have returned to secondary applied technology education programs after dropping out or formally exiting the local educational system; and

"(VII) the ages of such students.

"(C) In conducting the study required by this subsection, the General Accounting Office may consider and include information from other sources to address or augment the issues considered in the study.

"(4) The General Accounting Office shall submit to the appropriate committees of the Congress a report describing the results of the study conducted as required by this subsection not later than July 1, 1995.

"(b) INFORMATION RELATING TO STUDENTS WHO HAVE COMPLETED SECONDARY SCHOOL.—

"(1) The Office of Technology Assessment shall conduct an assessment of a sample of tests designed to be administered to students who have completed secondary school to assess the level of technical knowledge relating to broad technical fields possessed by such students. The assessment shall include at least—

"(A) an assessment of the quality, validity, reliability, and predictive capability of widely used applied technology aptitude and competency tests and assessments, with particular attention to—

"(i) the use of such assessments with respect to students who are members of special populations; and

"(ii) patterns of actual usage with respect to entry into applied technology education programs, promotion within such programs, completion of such programs, and placement in appropriate positions;

"(B) identification of trends in such tests and assessments, including any relationship to applied technology education curricula; and

"(C) identification of policy options for—

"(i) strengthening development and quality of such tests and assessments to ensure that such tests and assessments are con-

ducted in an impartial manner that does not penalize students on the basis of race, sex, or economic background; and

"(ii) means of sustaining competition in the development of such tests and assessments.

"(2) The results of the study required by paragraph (1) shall be reported to the appropriate committees of the Congress not later than September 30, 1994."

Page 129, line 21, strike "such regulations" and insert "regulations on a limited number of issues".

Page 131, line 20, insert after the opening quotation marks the following: "(a) FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.—"

Page 131, line 22, strike the closing quotation marks and the second period.

Page 131, after line 22, insert the following:

"(b) RETENTION OF EXISTING NAMES.— Nothing in this Act shall be construed to require that any of the following be known by a different name or title:

"(1) Vocational student organizations.

"(2) Vocational administrators, counselors, or instructors who are not compensated from funds provided as Federal assistance.

"(3) Vocational schools, vocational institutions, and area vocational education schools."

Page 136, line 21, strike "Such" and all that follows through line 2 on page 137.

On page 129, in line 24 strike "82-4" and insert "84-5" and on line 25 strike "(47 Fed." and on page 130, in line 1 strike "Reg. 30708, June 18, 1982)" and insert "December 13, 1985)".

Mr. HAWKINS (during the reading). Madam Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Madam Chairman, I ask unanimous consent that these amendments offered by the gentleman from Pennsylvania [Mr. GOODLING] and myself be considered en bloc, since they amend titles I and II of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Madam Chairman, these amendments are various technical and minor amendments which the gentleman from Pennsylvania [Mr. GOODLING] and I are offering on behalf of the committee. I include at this point a short summary of each amendment.

SUMMARY OF HAWKINS FLOOR AMENDMENT TO H.R. 7

Clarifies that representatives of vocational institutions should serve on the Human Investment Council.

Rewrites the appropriations trigger for new programs so that the trigger applies to FY 1990.

Technical.

Technical.

Requires that no state shall receive an allotment under this Act of an amount that is less than the amount the state received in FY 1989.

Creates a minimum amount of funds that a state can reserve for administration of basic state grant activities.

Requires the State, in developing its plan, to use information gathered by the National Occupational Information Coordinating Committee in assessing the needs of special populations.

Technical rewrite of a portion of the State plan provisions in H.R. 7.

Technical.

Technical.

Technical.

Technical.

Technical.

Requires the State plan to outline an appeals process for area applied technology schools to appeal decisions adverse to their interest.

Requires the State to consult with other appropriate post-secondary institutions in developing the State plan.

Technical.

Requires local educational agencies to consult with area applied technology schools in developing the local plan and to allocate funds to the area schools on the basis of such schools service to special population students.

Requires States to reallocate funds when eligible institutions return unexpended funds.

Technical.

Requires local educational agencies or eligible institutions to demonstrate, if they plan to duplicate existing facilities or services that are available through area schools, that this duplication would be more effective or that it is necessary to achieve the applied technology education goals of the LEA or eligible institution.

Adds technical institutes as eligible institutions.

Technical.

Requires local educational agencies to allocate funds to area applied technology schools on the basis of the area school's share of special population students.

Technical.

Technical.

Allows tech-prep funds to be used to acquire instructional materials.

Technical.

Rewrites the Facilities and Equipment program to become a state-level operated program.

Rewrites the dissemination subsection to include an authority for the National Network for Curriculum Coordination in Applied Technology Education.

Adds employment-based learning programs as an activity under the Cooperative Demonstration program that are exemplary in transition-to-work programs.

Technical.

Technical.

Creates a demonstration programs for providing access to applied technology education programs through agriculture action centers.

Requires the General Accounting Office to conduct a study on the access provided to special population students in programs funded under this Act and requires the Office of Technology Assessment to conduct a study on the level of technical knowledge students possess who have received applied technology services in programs funded under this Act.

Limits the number of issues to be negotiated in the negotiated rule-making process.

Technical.

Technical.

Clarifies that certain existing vocational organizations, personnel, and institutions

may continue to be referred to as "vocational".

Technical.

Technical.

Technical.

Technical change to the regulatory negotiations process.

AMENDMENTS TO H.R. 7, AS REPORTED, OFFERED BY MR. HAWKINS OF CALIFORNIA

Page 4, line 17, insert before the comma the following: "(including representatives of secondary and postsecondary vocational institutions)".

Strike line 20 on page 26 and all that follows through line 3 on page 27 and insert the following:

"(2) No amounts are authorized to be appropriated under subparagraph (C), (D), (E), or (F) for the fiscal year 1990 unless the amount appropriated pursuant to subsection (a) for such fiscal year equals or exceeds the amount necessary to carry out activities for which such amount is appropriated at the level at which such activities were carried out in the preceding fiscal year.

Page 28, line 9, strike "No" and insert the following: "Subject to clause (iii), no".

Page 28, line 20, strike the closing quotation marks and the second period.

Page 28, after line 20, insert the following new clause:

"(iii) Notwithstanding the provisions of clauses (i) and (ii), no State shall be allotted an amount under this section in any fiscal year that is less than the amount such State was allotted in fiscal year 1989."

Page 29, line 7, strike "plan," and insert "plan or \$250,000, whichever is greater."

Page 34, after line 20, insert the following new clause (and redesignate the succeeding clauses accordingly):

(i) in subparagraph (A), by inserting before the semicolon the following: "using information gathered by the National Occupational Information Coordinating Committee and other available information";

Page 35, by striking lines 6 through 12 and inserting the following:

"(v) the capability of applied technology education programs to provide applied technology students with—

"(I) strong experience in and understanding of all aspects of the industry the students are preparing to enter (including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues; and

"(II) strong development and use of problem-solving skills and basic and advanced academic skills (including skills in the areas of mathematics, reading, writing, science, and social studies) in the technological setting;"

Page 36, line 2, insert "and" after the semicolon.

Page 36, strike line 4 and insert the following:

subparagraph (F) and inserting "; and";

Page 36, strike lines 5 through 14.

Page 39, strike line 7 and insert the following:

and inserting a semicolon; and

Page 39, line 9, strike "paragraph" and insert "paragraphs".

Page 39, after line 9, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(18) provide procedures by which an area applied technology education school may appeal decisions adverse to its interests with

respect to programs assisted under this Act; and

Page 40, line 16, insert after "colleges" the following: "; technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary applied technology education".

Page 44, line 25, strike "and".

Page 44, after line 25, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(9) with respect to each local educational agency that is working in a consortium described in section 201(b), describe how the local education agency will plan in consultation with and provide funds to each area applied technology education school in the consortium according to such school's relative share of applied technology education students who are students with handicaps, disadvantaged students, or students of limited English proficiency; and

Page 60, after line 5, insert the following new paragraph:

"(3)(A) In any academic year that a local educational agency or eligible institution does not expend all of the amounts it is allocated for such year under paragraph (1) or paragraph (2), such local educational agency or eligible institution shall return any unexpended amounts to the State to be reallocated under paragraph (1) or paragraph (2), as appropriate.

"(B) In any academic year in which amounts are returned to the State under paragraph (1) and the State is unable to reallocate such amounts according to such paragraph in time for such amounts to be expended in such academic year, the State shall retain such amounts to be distributed in combination with amounts provided under this title for the following academic year.

Page 61, line 10, strike "or".

Page 61, after line 25, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(2) Funds provided under this title shall not be used to duplicate facilities or services available from Federal, State, or local sources in the area served by the local educational agency or eligible institution unless such agency or institution demonstrates to the State board that alternative services or facilities would be more effective or more likely to achieve the goals of such agency or institution.

Page 62, line 13, insert "technical institute," after "school."

Page 69, line 19, strike "and".

Page 69, line 22, strike the period and insert "; and".

Page 69, after line 22, insert the following new paragraph:

"(5) in the case of a local educational agency working in a consortium described in section 201(b), determine, in consultation with each area applied technology education school in the consortium, such school's relative share of applied technology education students who are students with handicaps, disadvantaged students, or students of limited English proficiency.

Page 70, line 24, strike "sections" and insert "contents".

Page 70, line 25, strike "this" and insert "the".

Page 83, line 7, insert "or instructional materials" before the period.

Page 83, beginning on line 18, strike "The" and all that follows through the period on line 20.

Strike line 19 on page 86 and all that follows up to line 16 on page 88 and insert the following:

"SEC. 351. STATEMENT OF PURPOSE.

"It is the purpose of this part to provide funding to enable local educational agencies in economically depressed areas to improve facilities and acquire or lease equipment to be used to carry out applied technology education programs that receive assistance under this Act.

"SEC. 352. ALLOTMENT TO STATES.

"(a) IN GENERAL.—From any amounts appropriated for purposes of carrying out this part, the Secretary shall allot to each State an amount which bears the same ratio to such amounts as the total number of children in the State aged 5 to 17, inclusive, eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965 in each eligible local educational agency in the State bears to the total number of such children in all States.

"(b) ELIGIBLE AGENCIES.—For the purposes of this part, an eligible local educational agency is a local educational agency in which 20 percent of the children are eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965.

"SEC. 353. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION OF ALL GRANT AMOUNTS.—In each fiscal year for which a State receives a grant under this part, the State shall distribute not less than 100 percent of the amounts made available under the grant to eligible local educational agencies as provided in subsection (b).

"(b) RURAL-URBAN DISTRIBUTION.—Each State that receives a grant under this part shall, taking into consideration the numbers and types of eligible local educational agencies within the State, distribute the amounts made available under the grant so that—

"(1) 50 percent of such amounts are distributed as grants to eligible local educational agencies in rural areas; and

"(2) 50 percent of such amounts are distributed as grants to local educational agencies in urban areas.

SEC. 354. STATE APPLICATIONS.

"(a) IN GENERAL.—Each State that desires to receive a grant under this part shall submit to the Secretary an application at such time, and containing or accompanied by such information as the Secretary may reasonably require. Such application shall—

"(1) designate the sole State agency described in section 111(a)(1) as the State agency responsible for the administration and supervision of activities carried out with assistance under this part;

"(2) provide for a process of consultation with the State human investment council established under section 101(a) of the Applied Technology Education Amendments of 1989;

"(3) describes how funds will be allocated in a manner consistent with section 353 that will serve eligible local educational agencies with the greatest need, especially—

"(A) eligible local educational agencies with the highest percentages of children eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965;

"(B) eligible local educational agencies that have the greatest need based on the age and condition of the building or equipment used by such agencies; and

"(C) eligible local educational agencies that show a need for the improvement or acquisition proposed to be made with assistance provided under this part for purposes

of addressing community economic or employment issues;

"(4) provide for an annual submission of data concerning the use of funds and students served with assistance under this part;

"(5) provide that the State educational agency will keep such records and provide such information to the Secretary as may be required for purposes of financial audits and program evaluations; and

"(6) contain assurances that the State will comply with the requirements of this part.

"(b) PERIOD OF APPLICATION.—An application submitted by the State under subsection (a) shall be for a period of not more than 3 years and shall be amended annually.

SEC. 355. LOCAL APPLICATIONS.

"Each local educational agency that desires to receive a grant under this part shall submit to the State an application at such time, and containing or accompanied by such information, as the State may reasonably require."

"(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 346 the following new items:

PART F—IMPROVEMENT OF FACILITIES AND ACQUISITION OF EQUIPMENT

"Sec. 351. Statement of purpose.

"Sec. 352. Allotment to States.

"Sec. 353. Allocation to local educational agencies.

"Sec. 354. State applications.

"Sec. 355. Local applications."

Strike line 21 on page 91 and all that follows through line 4 on page 92 and insert the following:

"(c) DISSEMINATION.—

"(1) The Secretary shall establish a system for disseminating information resulting from research and development activities carried out under this Act. In establishing such system, the Secretary shall use existing dissemination systems, including the National Diffusion Network, the National Center for Research in Applied Technology Education, and the National Network for Curriculum Coordination in Applied Technology Education (if established under paragraph (2)), in order to assure broad access at the State and local levels to the information being disseminated.

"(2)(A) In order to comply with paragraph (1), the Secretary may establish an organization to be known as the National Network for Curriculum Coordination in Applied Technology Education (hereafter in this paragraph referred to as the 'Network'). Any such organization shall—

"(i) provide national dissemination of information on effective applied technology education programs and materials, with particular attention to regional programs;

"(ii) be accessible by electronic means;

"(iii) provide leadership and technical assistance in the design, development, and dissemination of curricula for applied technology education;

"(iv) coordinate the sharing of information among the States with respect to applied technology education curricula;

"(v) reduce duplication of effort in activities for the development of applied technology education curricula; and

"(vi) promote the use of research findings with respect to applied technology education curricula.

"(B) The Secretary shall encourage the designation by each State of a liaison representative for the Network."

Page 106 after line 7, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) in paragraph (2)—
(A) in subparagraph (C), by striking "and";

(B) by inserting "and" at the end of subparagraph (D); and

(C) by adding at the end the following new subparagraph:

"(E) employment-based learning programs;"

Page 106, line 15, strike "and".

Page 106, line 23, strike the first period, the closing quotation marks, and the second period and insert "; and".

Page 106, after line 23, insert the following new paragraph:

"(6) model programs providing improved access to applied technology education programs through centers to be known as agriculture action centers, which programs shall be operated under regulations developed by the Secretary in consultation with the Secretary of Labor and—

"(A) shall assist—

"(i) individuals who are adversely affected by farm and rural economic downturns;

"(ii) individuals who are dislocated from farming; and

"(iii) individuals who are dislocated from agriculturally-related businesses and industries that are adversely affected by farm rural economic downturns;

"(B) shall provide services, including—

"(i) crisis management counseling and outreach counseling that would include members of the family of the affected individual;

"(ii) evaluation of applied technology skills and counseling on enhancement of such skills;

"(iii) assistance in obtaining training in basic, remedial, and literacy skills;

"(iv) assistance in seeking employment and training in employment-seeking skills; and

"(v) assistance in obtaining training related to operating a business or enterprise;

"(C) shall provide for formal and on-the-job training to the extent practicable; and

"(D) shall be coordinated with activities and discretionary programs conducted under title III of the Job Training Partnership Act."

Strike line 20 on page 115 and all that follows through line 11 on page 116 (and redesignate the succeeding subsections accordingly).

Page 123, strike lines 7 through 25 and insert the following:

"(a) INFORMATION RELATING TO STUDENTS WITH HANDICAPS.—

"(1) The Secretary shall ensure that adequate information on access to applied technology education by secondary school students with handicaps is maintained in the data system established under section 421.

"(2) BASIS FOR INFORMATION.—The system shall include detailed information obtained through scientific sample surveys concerning—

"(A) types of programs available; and

"(B) enrollment of students with handicaps by—

"(i) type of program;

"(ii) type of instructional setting; and

"(iii) type of handicap.

"(3)(A) The General Accounting Office shall conduct a 3-year study, using representative samples, of the effects of the amendments made by title II of the Applied Technology Education Amendments of 1989 on the access to and participation in applied technology education programs, including

secondary and postsecondary programs, by disadvantaged students, students with handicaps, students of limited English proficiency, and, to the extent practicable, foster children.

"(B) The study shall include consideration of issues such as—

"(i) the proportion of students described in paragraph (1) who are enrolled in applied technology education programs during the first 3 program years to which the Applied Technology Education Amendments of 1989 applies compared to the program year preceding such years;

"(ii) the number of such students who enroll in applied technology education programs for the first time during the period of the study;

"(iii) the number of such students who participate in applied technology education programs that lead to an occupational skill or job placement;

"(iv) the extent to which academics are incorporated with applied technology education courses;

"(v) the manner in which applied technology education programs have addressed special needs of such students for supportive services, material, and equipment;

"(vi) the comparability of applied technology education services provided to such students with applied technology education services provided to students who are not members of special populations; and

"(vii) in the case of students with handicaps—

"(I) the types and severity of handicaps of such students who enroll in applied technology education programs;

"(II) the extent to which such students participate in the same applied technology education programs as students who do not have handicaps;

"(III) the number of such students with individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act who have individualized education programs that include applied technology education programs;

"(IV) the extent to which special personnel such as special education personnel or vocational rehabilitation personnel assist in the selection and provision of applied technology education programs with respect to such students;

"(V) the extent to which such students and their parents are involved in selecting applied technology education courses and programs;

"(VI) the number of such students who have returned to secondary applied technology education programs after dropping out or formally exiting the local educational system; and

"(VII) the ages of such students.

"(C) In conducting the study required by this subsection, the General Accounting Office may consider and indicate information from other sources to address or augment the issues considered in the study.

"(4) The General Accounting Office shall submit to the appropriate committees of the Congress a report describing the results of the study conducted as required by this subsection not later than July 1, 1995.

"(b) INFORMATION RELATING TO STUDENTS WHO HAVE COMPLETED SECONDARY SCHOOL.—

"(1) The Office of Technology Assessment shall conduct an assessment of a sample of tests designed to be administered to students who have completed secondary school to assess the level of technical knowledge relating to broad technical fields possessed by such students. The assessment shall include at least—

"(A) an assessment of the quality, validity, reliability, and predictive capability of widely used applied technology aptitude and competency tests and assessments, with particular attention to—

"(i) the use of such assessments with respect to students who are members of special populations; and

"(ii) patterns of actual usage with respect to entry into applied technology education programs, promotion within such programs, completion of such programs, and placement in appropriate positions;

"(B) identification of trends in such tests and assessments, including any relationship to applied technology education curricula; and

"(C) identification of policy options for—

"(i) strengthening development and quality of such tests and assessments to ensure that such tests and assessments are conducted in an impartial manner that does not penalize students on the basis of race, sex, or economic background; and

"(ii) means of sustaining competition in the development of such tests and assessments.

"(2) The results of the study required by paragraph (1) shall be reported to the appropriate committees of the Congress not later than September 30, 1994."

Page 129, line 21, strike "such regulations" and insert "regulations on a limited number of issues".

Page 131, line 20, insert after the opening quotation marks the following: "(a) FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.—"

Page 131, line 22, strike the closing quotation marks and the second period.

Page 131, after line 22, insert the following:

"(b) RETENTION OF EXISTING NAMES.—Nothing in this Act shall be construed to require that any of the following be known by a different name or title:

"(1) Vocational student organizations.

"(2) Vocational administrators, counselors, or instructors who are not compensated from funds provided as Federal assistance.

"(3) Vocational schools, vocational institutions, and area vocational education schools."

Page 136, line 21, strike "Such" and all that follows through line 2 on page 137.

On page 129, in line 24 strike "82-4" and insert "85-5" and on line 25 strike "(47 Fed.)" and on page 130, in line 1 strike "Reg. 30708, June 18, 1982)" and insert "December 13, 1985)".

Mr. GOODLING. Madam Chairman, I rise in favor of the amendments offered by the gentleman from California.

Madam Chairman, I rise in support of the Hawkins amendments. One of those that I might just highlight deals with the very area of vocational schools which also is true of my district.

The first would require the LEA to plan with and to provide funds to area vocational schools according to their relative share of special population students in applied technology education.

The second would require the local education agency to assess the relative share of a special population of students in applied technology education shared by area vocational schools.

The third would provide an appeal procedure for area vocational schools for funding by the local education agency.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. HAWKINS].

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL EDUCATION ACT

SEC. 201. APPLIED TECHNOLOGY EDUCATION.

(a) **SHORT TITLE.**—The first sentence of section 1 of the Carl D. Perkins Vocational Education Act (hereafter in this title referred to as the "Act") (20 U.S.C. 2301 note) is amended to read as follows: "This Act may be cited as the 'Carl D. Perkins Applied Technology Education Act'."

(b) **IN GENERAL.**—The Act is amended by striking "vocational" each place it appears and inserting "applied technology".

(c) **AMENDMENTS TO HEADINGS.**—

(1) **TITLE I.**—The heading for title I of the Act (20 U.S.C. 2311 et seq.) is amended to read as follows:

"TITLE I—APPLIED TECHNOLOGY EDUCATION ASSISTANCE TO THE STATES"

(2) **PART A OF TITLE III.**—The heading for part A of title III of the Act (20 U.S.C. 2351 et seq.) is amended to read as follows:

"PART A—STATE ASSISTANCE FOR APPLIED TECHNOLOGY EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS"

(3) **SUBPART 4 OF PART B OF TITLE IV.**—The heading for subpart 4 of part B of title IV of the Act (20 U.S.C. 2417) is amended to read as follows:

"Subpart 4—Model Centers for Applied Technology Education for Older Individuals"

(4) **PART C OF TITLE IV.**—The heading for part C of title IV of the Act (20 U.S.C. 2421 et seq.) is amended to read as follows:

"PART C—APPLIED TECHNOLOGY EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS"

(5) **PART E OF TITLE IV.**—The heading for part E of title IV of the Act (20 U.S.C. 2441) is amended to read as follows:

"PART E—BILINGUAL APPLIED TECHNOLOGY EDUCATION TRAINING"

(d) **CLERICAL AMENDMENTS.**—The table of contents contained in section 1 of the Act is amended—

(1) by striking the item relating to title I and inserting the following new item:

"TITLE I—APPLIED TECHNOLOGY EDUCATION ASSISTANCE TO THE STATES";

(2) by striking the item relating to part A of title III and inserting the following new item:

"PART A—STATE ASSISTANCE FOR APPLIED TECHNOLOGY EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS";

(3) by striking the item relating to subpart 4 of part B of title IV and inserting the following new item:

"Subpart 4—Model Centers for Applied Technology Education for Older Individuals";

(4) by striking the item relating to part C of title IV and inserting the following new item:

"PART C—APPLIED TECHNOLOGY EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS"; AND

(5) by striking the item relating to part E of title IV and inserting the following new item:

"PART E—BILINGUAL APPLIED TECHNOLOGY EDUCATION TRAINING"

SEC. 202. STATEMENT OF PURPOSE.

Section 2 of the Act (20 U.S.C. 2301) is amended to read as follows:

"SEC. 2. STATEMENT OF PURPOSE.

"It is the purpose of this Act to make the United States more competitive in the world economy by developing more fully the academic and occupational skills of all segments of the population. This purpose will principally be achieved through concentrating resources on improving educational programs leading to academic, occupational, training, and retraining skill competencies needed to work in a technologically advanced society."

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Act (20 U.S.C. 2302) is amended to read as follows:

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) **STATE GRANTS; NATIONAL PROGRAMS.**—There are authorized to be appropriated \$1,000,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out the provisions of titles I (other than section 112), II, and IV (other than part E) of this Act.

(b) **SPECIAL PROGRAMS.**—

(1)(A) There are authorized to be appropriated \$15,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part A of title III, relating to State assistance for applied technology education support programs by community-based organizations.

(B) There are authorized to be appropriated \$40,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part B of title III, relating to consumer and homemaking education.

(C) Subject to paragraph (2), there are authorized to be appropriated \$30,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part C of title III, relating to career guidance and counseling.

(D) Subject to paragraph (2), there are authorized to be appropriated \$20,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part D of title III, relating to business-education-labor partnerships.

(E) Subject to paragraph (2), there are authorized to be appropriated \$200,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part E of title III, relating to tech-prep education.

(F) Subject to paragraph (2), there are authorized to be appropriated \$100,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part F of title III, relating to improvement of facilities and acquisition of equipment.

(2) No amounts are authorized to be appropriated under subparagraph (C), (D), (E), or (F) for the first fiscal year for which amounts are appropriated under this Act unless the amount appropriated pursuant to subsection (a) for that fiscal year equals or

exceeds the amount necessary to carry out activities for which such amount is appropriated at the level at which such activities were carried out in the preceding fiscal year.

(c) **STATE HUMAN INVESTMENT COUNCILS.**—There are authorized to be appropriated \$8,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out section 112, relating to State human investment councils.

(d) **BILINGUAL APPLIED TECHNOLOGY TRAINING PROGRAMS.**—There are authorized to be appropriated \$10,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out part E of title IV, relating to bilingual applied technology training programs.

(e) **SET-ASIDE FOR NATIONAL PROGRAMS.**—From amounts appropriated pursuant to subsection (a) for each fiscal year, 2 percent shall be available to carry out the provisions of title IV (other than part E), relating to national programs."

PART A—APPLIED TECHNOLOGY EDUCATION ASSISTANCE TO THE STATES

SEC. 211. ALLOTMENT.

Paragraph (3) of section 101(a) of the Act (20 U.S.C. 2311(a)) is amended—

(1) in clause (i) of subparagraph (B), by striking "subparagraph (A)" and inserting "subparagraphs (A) and (D)";

(2) in clauses (i) and (ii) of subparagraph (B), by striking "D, or E" each place it appears and inserting "or D"; and

(3) by adding at the end the following new subparagraph:

"(D)(i) No State shall, by reason of subparagraph (B), be allotted more than the lesser of—

"(I) 150 percent of the amount that the State received in the preceding fiscal year; and

"(II) the amount calculated under clause (ii).

(ii) The amount calculated under this clause shall be determined by multiplying—

"(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

"(II) 150 percent of the national average per pupil payment made with funds available under this section for that year."

SEC. 212. WITHIN STATE ALLOCATION.

Section 102 of the Act (20 U.S.C. 2312) is amended to read as follows:

"SEC. 102. WITHIN STATE ALLOCATION.

(a) **PROGRAMS OTHER THAN STATE GRANTS.**—Each State shall reserve from its allotment of funds appropriated under section 3(a) for each fiscal year—

"(1) an amount that does not exceed 5 percent of the allotment for State administration of the State plan, of which not less than \$60,000 shall be available only for purposes of carrying out the provisions of section 121(a);

"(2) an amount equal to 10 percent of the allotment for the program for single parents, homemakers, and displaced homemakers described in section 121(b) and the sex equity program described in section 121(c); and

"(3) an amount that does not exceed 5 percent of the allotment for—

"(A) business-education-labor partnerships under part D of title III;

"(B) development and implementation of State standards for performance and measures of performance for applied technology education programs under section 122;

"(C) training and retraining of academic and applied technology staff and counselors

to better integrate the teaching strategies and curricula of both disciplines so that students will be better prepared for full participation in society, the economy, and the democratic process, taking into account the need for greater access to and participation in applied technology education by students and teachers from historically underrepresented groups, including minorities;

"(D) at least 1 program for incarcerated youths in juvenile detention or correctional facilities or criminal offenders who are serving in correctional facilities;

"(E) preservice and inservice training for teachers, guidance counselors, and other appropriate individuals; and

"(F) support of applied technology student organizations.

"(b) STATE GRANTS.—Each State shall use the remainder of its allotment of funds appropriated under section 3(a) for each fiscal year for activities described in title II."

SEC. 213. STATE ADMINISTRATION.

Section 111 of the Act (20 U.S.C. 2321) is amended—

(1) in paragraph (1) of subsection (a)—
(A) in subparagraph (B), by striking "State council on vocational education" and inserting "State human investment council";

(B) in subparagraph (C), by striking "State council established pursuant to section 112" and inserting "State human investment council";

(C) in subparagraph (D), by striking "and" and inserting a semicolon;

(D) in subparagraph (E)—
(i) by striking "the State job training coordinating council" and inserting "the State human investment council";

(ii) by striking "their respective programs" and inserting "programs under this Act and programs under the Job Training Partnership Act"; and

(iii) by striking the period and inserting "and"; and

(E) by adding at the end the following new subparagraph:

"(F) assuring access to applied technology education services for any students with handicaps—

"(i) who—
(1) are handicapped children for purposes of section 602(a)(1) of the Education of the Handicapped Act; or

"(ii) are protected under section 504 of the Rehabilitation Act of 1973; and

"(iii) are not less than 12 years of age; and
(iii) are not older than the upper age limit established by the State for eligibility for special education services."

(2) by striking subsection (b);
(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in the first sentence of subsection (c) (as redesignated by paragraph (3) of this subsection), by striking "State council" and inserting "State human investment council"; and

(5) by striking subsection (e).

SEC. 214. DUTIES OF THE STATE HUMAN INVESTMENT COUNCIL WITH RESPECT TO APPLIED TECHNOLOGY EDUCATION.

(a) IN GENERAL.—Section 112 of the Act (20 U.S.C. 2322) is amended—

(1) by amending the section heading to read as follows:

"SEC. 112. DUTIES OF THE STATE HUMAN INVESTMENT COUNCIL WITH RESPECT TO APPLIED TECHNOLOGY EDUCATION."

(2) by striking "SEC. 112.";

(3) by amending subsection (a) to read as follows:

"(a) Each State which desires to participate in applied technology education pro-

grams authorized by this Act for any fiscal year shall establish a State human investment council as required by section 101(a) of the Applied Technology Education Amendments of 1989 and shall require such council to act as the State council on applied technology education."

(4) in subsection (b)—
(A) by striking "and membership"; and
(B) by striking "State council" and inserting "State human investment council";

(5) by striking subsection (c);
(6) by redesignating subsections (d), (e), and (f), as subsections (c), (d), and (e), respectively;

(7) in subsection (c) (as redesignated by paragraph (6) of this subsection)—

(A) by striking "State council" and inserting "State human investment council"; and
(B) in subparagraph (B) of paragraph (9), by striking "the State job training coordinating council";

(8) in subsection (d) (as redesignated by paragraph (6) of this subsection)—

(A) by striking "State council" and inserting "State human investment council"; and
(B) by striking "Council" and inserting "council"; and

(9) in subsection (e) (as redesignated by paragraph (6) of this subsection)—

(A) in paragraph (1), by striking "State councils" each place it appears and inserting "State human investment councils"; and
(B) in paragraphs (1) and (2), by striking "State council" each place it appears and inserting "State human investment council".

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Duties of the State human investment council with respect to applied technology education."

SEC. 215. STATE PLANS.

Section 113 of the Act (20 U.S.C. 2323) is amended—

(1) in subsection (a)—
(A) in subparagraph (A) of paragraph (2), by striking "State council" and all that follows and inserting "State human investment council";

(B) in paragraph (3)—
(i) in subparagraph (C), by striking "groups of individuals specified in section 201(b)" and inserting "individuals who are members of special populations";

(ii) in subparagraph (D)—
(I) by striking "and" at the end of clause (iv);

(II) by amending clause (v) to read as follows:

"(v) the capability of applied technology education programs to provide each applied technology education student with strong development and use of problem-solving skills and basic and advanced academic skills (including skills in the areas of mathematics, reading, writing, science, and social studies) in the technological setting;"; and

(III) by adding at the end the following new clauses:

"(vi) the responsiveness of the program to the special needs of students who are members of special populations;

"(vii)(I) the relative academic, occupational, training, and retraining needs of secondary, adult, and postsecondary students; and

"(II) the academic, occupational, training, and retraining needs of the State and local areas, including needs in areas of emerging technologies;";

(iii) by striking "and" at the end of subparagraph (E);

(iv) by striking the period at the end of subparagraph (F) and inserting "and"; and
(v) by adding at the end the following new subparagraph:

"(G) consider including in its applied technology education programs activities to provide strong experience in and understanding of all aspects of the industry the student is preparing to enter (including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues)."

(2) in subsection (b)—
(A) in paragraph (1)—

(i) in subparagraph (A), by striking "for programs" and all that follows and inserting "under subsections (a) and (d) of section 203";

(ii) in subparagraph (B), by striking "section 203" and inserting "sections 102, 201, and 202"; and

(iii) in subparagraph (C)—

(I) by striking "individuals described in clauses (1) and (2) of section 201(b)" and inserting "individuals who are members of special populations"; and

(II) by striking "part A of";
(B) by amending paragraph (4) to read as follows:

"(4) provide assurances that the State will distribute at least 80 percent of the funds made available for title II to local educational agencies and postsecondary institutions pursuant to such title;";

(C) by amending paragraph (5) to read as follows:

"(5) provide assurances that the State will distribute funds made available for title II in accordance with section 201;";

(D) in paragraph (7), by striking "single parents and homemakers under section 201(b)(3)" and inserting "single parents, homemakers, and displaced homemakers under section 121(b)";

(E) by amending paragraph (9) to read as follows:

"(9) provide assurances that the State will develop and implement a system of standards for performance and measures of performance for applied technology education programs at the State level that meets the requirements of section 122;";

(F) in paragraph (10), by striking "title I" and all that follows through "of 1981" and inserting the following: "chapter 1 of title I of the Elementary and Secondary Education Act of 1965";

(G) in paragraph (13), by striking "State council on vocational education" and inserting "State human investment council";

(H) in paragraph (15)—

(i) by striking "part D" and inserting "part C"; and

(ii) by striking "1984" and inserting "1988";

(I) in paragraph (16), by striking "and" and inserting the following: "so that—

"(A) in local educational agencies under whose jurisdiction there is more than 1 school, schools that receive assistance pursuant to title II shall receive in any fiscal year at least the same amount of funding per student from non-Federal sources as is received per student from non-Federal sources by schools that do not receive assistance pursuant to title II; and

"(B) schools receiving assistance under title II and students participating in applied technology education programs shall not receive fewer services under other Federal, State, and local programs.";

(J) in paragraph (17), by striking the period and inserting “; and”; and

(K) by adding at the end the following new paragraph:

“(18) provide assurances that the State will carry out the provisions of section 116.”; and

(3) in paragraph (1) of subsection (c)—
(A) by striking “State council” each place it appears and inserting “State human investment council”; and

(B) by striking “the State job training coordinating council, and”.

SEC. 216. APPROVAL

Section 114 of the Act (20 U.S.C. 2324) is amended—

(1) in paragraph (1) of subsection (a)—
(A) in the first sentence, by striking “the State job training coordinating council” and all that follows through “Act” and inserting “the State human investment council”; and

(B) in the last sentence, by striking “the State job training coordinating council” and inserting “the State human investment council”;

(2) in subsection (b), by striking “State council” each place it appears and inserting “State human investment council”;

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

“(c) The State board shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult education or postsecondary education and for secondary education after consultation with the State agency responsible for supervision of community colleges and the State agency responsible for secondary education, respectively. The State board shall, in developing such plan, take into consideration the relative training and retraining needs of secondary, adult, and postsecondary students. If a State agency finds that a portion of the final State plan is objectionable, such agency shall file its objections with the State board. The State board shall respond to any objections of such agency in submitting such plan to the Secretary. The Secretary shall consider such comments in reviewing the State plan.”; and

(5) by amending subparagraph (A) of subsection (d)(2) (as redesignated by paragraph (3) of this subsection) to read as follows:

“(A) Each State plan shall be submitted to the Secretary by May 1 preceding the beginning of the first fiscal year for which such plan is to be in effect. The Secretary shall approve each plan before the expiration of the 60-day period beginning on the date the plan is submitted if the plan meets the requirements of section 113 and is of sufficient quality to meet the objectives of this Act (including the objective of developing and implementing performance standards), and shall subsequently take appropriate actions to monitor the State’s compliance with the provisions of its plan and the requirements of this Act. The Secretary shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State board.”.

SEC. 217. LOCAL APPLICATION

Section 115 of the Act (20 U.S.C. 2325) is amended—

(1) in subsection (a)—
(A) in the first sentence, by striking “Except” and all that follows through “any” and inserting “Any”; and

(B) in paragraph (1), by striking “; and” and inserting a semicolon; and

(C) in paragraph (2), by striking the period and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

“(3) describe how it will apply and implement (in consultation with the appropriate private industry council established under section 102 of the Job Training Partnership Act, where practicable) the system of standards for performance and measures of performance for applied technology education programs developed by the State under section 122;

“(4) describe how access to programs of good quality will be provided to students who are economically disadvantaged, students with handicaps, foster children, and students of limited English proficiency through affirmative outreach and recruitment efforts;

“(5) describe how the local educational agency and institutions involved will monitor the provision of applied technology education provided to students with handicaps, including students with handicaps who have an individualized education program under section 614(a)(5) of the Education of the Handicapped Act with applied technology education components and other students with handicaps who have returned to the educational system;

“(6) describe how the local educational agency and institutions involved will facilitate and promote the effective transition of students who are economically disadvantaged, students with handicaps, foster children, and students of limited English proficiency from the educational system to employment and additional training and educational opportunities, including, at the option of the local educational agency, a description of how the local educational agency intends to provide access to and use vocational rehabilitation counselors in facilitating and promoting such effective transition;

“(7) consider the demonstrated occupational needs of the area in assisting programs funded by this Act;

“(8) describe how the local educational agencies and eligible institutions will use funds provided under title II to—

“(A) first serve schools (or locations, in the case of an eligible institution that offers programs at more than 1 location) that—

“(i) have the highest numbers or percentages of students who are economically disadvantaged, students of limited English proficiency, and students with handicaps; and

“(ii) are offering programs in greatest need of improvement; and

“(B) provide applied technology education in a program that—

“(i) integrates academic and occupational disciplines so that students participating in the program are able to achieve both academic and occupational competence;

“(ii) offers coherent sequences of courses leading to a job skill;

“(iii) encourages students through counseling to pursue such coherent sequences of courses;

“(iv) assists students who are economically disadvantaged, students of limited English proficiency, and students with handicaps to succeed through supportive services such as counseling, English-language instruction, child care, and special aids;

“(v) is of such size, scope, and quality as to bring about improvement in the quality of education offered by the school; and

“(vi) seeks to cooperate with the sex equity program carried out under section 121(c); and

“(9) include any other appropriate information that the State may require consistent with this Act.”; and

(2) by striking subsection (c).

SEC. 218. STATE IMPROVEMENT PLANS

(a) IN GENERAL.—Part B of title I of the Act (20 U.S.C. 2321 et seq.) is amended by adding at the end the following new section:

“SEC. 116. STATE IMPROVEMENT PLANS.

“(a) IN GENERAL.—Each State receiving funds under this Act in the fiscal year 1991 or the fiscal year 1992 shall, during such fiscal year, review all applied technology education programs in secondary schools and postsecondary institutions in the State to determine whether—

“(1) academic education and applied technology education are being properly coordinated for the benefit of students;

“(2) such schools and institutions are offering coherent sequences or courses leading to occupational skills;

“(3) students in such schools and institutions are counseled to pursue such sequences or courses in order to secure an occupational skill;

“(4) both academic and occupational competencies are acquired by students who complete such courses;

“(5) access is provided to programs of good quality for students who are economically disadvantaged, students with handicaps, foster children, and students of limited English proficiency (evidence of which may be shown by data collected on proportionate numbers of students who are members of special populations and who are enrolled in such programs); and

“(6) equipment, facilities, supplies, curriculum development, and teacher education are modern.

“(b) LIMITATION.—Any State that conducts a review as required by subsection (a) during the fiscal year 1991 shall not be required to conduct such a review during the fiscal year 1992.”.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 115 the following new item:

“Sec. 116. State improvement plans.”.

SEC. 219. STATE-ADMINISTERED PROGRAMS

(a) IN GENERAL.—Title I of the Act (20 U.S.C. 2311 et seq.) is amended by adding at the end the following new part:

“PART C—STATE-ADMINISTERED PROGRAMS

“SEC. 121. SEX EQUITY PROGRAM AND PROGRAM FOR HOMEMAKERS, DISPLACED HOMEMAKERS, AND SINGLE PARENTS.

“(a) APPOINTMENT OF COORDINATOR.—Any State desiring to participate in the programs authorized by this Act shall, from amounts reserved under section 102(a)(1)(A), assign 1 individual within the appropriate State agency established or designated by the State board to administer and coordinate applied technology education programs within the State, to work full time to assist the State board to fulfill the purposes of this Act by—

“(1) administering and coordinating the program of applied technology education for single parents, homemakers, and displaced homemakers described in subsection (b) and the sex equity program described in subsection (c), including—

“(A) development of an annual plan for the use of all funds available for such programs;

“(B) management of the distribution of funds pursuant to subsection (e);

"(C) monitoring of the use of funds distributed to recipients under such programs;

"(D) evaluation of the effectiveness of programs and activities supported by such funds;

"(E) assuring the access of individuals with handicaps, foster children, disadvantaged individuals, and individuals of limited English proficiency to programs funded under this part; and

"(F) considering the academic, occupational, training, and retraining needs of the State and local areas, including needs in areas of emerging technologies;

"(2) gathering, analyzing, and disseminating data on the adequacy and effectiveness of applied technology education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of male and female students and employees in such programs;

"(3) reviewing applied technology education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women into high technology occupations, and submitting—

"(A) recommendations for inclusion in the State plan of programs and policies to overcome sex bias and sex stereotyping in such programs; and

"(B) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

"(4) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

"(5) developing recommendations for programs of information and outreach to women concerning applied technology education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

"(6) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding applied technology opportunities for women; and

"(7) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to applied technology education and to increase male and female students' enrollment in nontraditional programs.

"(b) PROGRAM FOR SINGLE PARENTS, HOME-MAKERS, AND DISPLACED HOME-MAKERS.—Each State shall use the portion of its allotment described in subsection (d)(1) only to—

"(1) provide, subsidize, reimburse, or pay for preparatory services for applied technology education, applied technology education and training activities, including basic literacy instruction and necessary educational materials, that will furnish single parents, homemakers, and displaced homemakers with marketable skills;

"(2) make grants to eligible recipients for expanding preparatory services for applied technology education and applied technology education services when the expansion directly increases the eligible recipients' capacity for providing single parents, homemakers, and displaced homemakers with marketable skills;

"(3) make grants to community-based organizations for the provision of preparatory services for applied technology education and applied technology education services to single parents, homemakers, and displaced homemakers, if the State determines that the community-based organization has demonstrated effectiveness in providing comparable or related services to single parents, homemakers, and displaced homemakers, taking into account the demonstrated performance of such an organization in terms of cost, the quality of training, and the characteristics of the participants;

"(4) make preparatory services for applied technology education and applied technology education and training more accessible to single parents, homemakers, and displaced homemakers by assisting them with dependent care or transportation services or by organizing and scheduling the programs so that such programs are more accessible; or

"(5) provide information to single parents, homemakers, and displaced homemakers to inform them of applied technology education programs and related support services.

"(c) SEX EQUITY PROGRAM.—

"(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), each State shall use the portion of its allotment described in subsection (d)(2) only for—

"(A) programs, services, and activities to eliminate sex bias and stereotyping in secondary and postsecondary applied technology education;

"(B) preparatory services for applied technology education and applied technology education programs, services, and activities for girls and women, aged 14 through 25, designed to enable the participants to support themselves and their families; and

"(C) support services for individuals participating in applied technology education programs, services, and activities described in subparagraphs (A) and (B), including dependent-care services and transportation.

"(2) WAIVER OF AGE LIMIT.—The administrator appointed under subsection (a) may waive the requirement with respect to age limitations contained in paragraph (1)(B) whenever the administrator determines that the waiver is essential to meet the objectives of this section.

"(d) DISTRIBUTION OF ASSISTANCE.—From the amounts reserved under section 102(a)(1)(B), the State—

"(1) shall provide an amount equal to 70 percent of such amount for carrying out the program for single parents, homemakers, and displaced homemakers described in subsection (b); and

"(2) shall provide an amount equal to 30 percent of such amount for carrying out the sex equity program described in subsection (c).

"(e) COMPETITIVE AWARD OF AMOUNTS; EVALUATION OF PROGRAMS.—The administrator appointed under subsection (a)—

"(1) shall allocate and distribute to eligible recipients and community-based organizations the amounts described in paragraphs (1) and (2) of subsection (d) on a competitive basis; and

"(2) shall develop procedures for the collection from eligible recipients and community-based organizations that receive funds under such programs of data appropriate to the individuals served in order to permit evaluation of the effectiveness of such programs as required by subsection (a)(1)(D).

"SEC. 122. STATE AND LOCAL STANDARDS AND MEASURES.

"(a) GENERAL AUTHORITY.—Each State receiving funds under this Act shall develop

and implement a Statewide system of standards and measures of performance for applied technology education programs. Such system shall be developed and implemented before the end of the 2-year period beginning on the date of the enactment of the Applied Technology Education Amendments of 1989.

"(b) REQUIREMENTS.—Each system developed under subsection (a) shall contain the following:

"(1) Measures of learning gains and competency gains.

"(2) 1 or more of the following measures of performance:

"(A) Competency attainment.

"(B) Job or work skill attainment or enhancement.

"(C) Retention in school or completion of secondary school or its equivalent.

"(D) Articulation into additional training, additional education, or military service.

"(3) Incentives or adjustments designed to encourage service to targeted groups or special populations.

"(4) Procedures for utilizing existing resources and methods developed in other programs receiving Federal assistance.

"(5) Performance levels for students with handicaps that, for each such student, are commensurate with the student's ability level and consistent with the student's individualized education program.

"(c) Measures and standards included in a system developed under subsection (a) shall be consistent with—

"(1) measures and standards developed under job opportunities and basic skills training programs established and operated under a plan approved by the Secretary of Health and Human Services that meets the requirements of section 402(a)(19) of the Social Security Act and part F of title IV of that Act; and

"(2) standards prescribed by the Secretary of Labor under section 106 of the Job Training Partnership Act.

"(d) The Secretary shall provide technical assistance to the States with respect to the development of systems under subsection (a). In providing such assistance, the Secretary shall utilize existing resources in other Federal departments and at the State level.

"(e) The Secretary shall submit a report to the appropriate committees of the Congress not later than the end of the 4-year period beginning on the date of the enactment of the Applied Technology Education Amendments of 1989. Such report shall describe in detail the status of each State's system of standards for performance and measures of performance developed as required by this section, and any effects attributed to the implementation of such system."

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act (as amended by section 217(b)) is amended by inserting after the item relating to section 116 the following new items:

"PART C—STATE-ADMINISTERED PROGRAMS

"Sec. 121. Sex equity program and program for homemakers, displaced homemakers, and single parents.

"Sec. 122. State and local standards and measures."

PART B—BASIC STATE GRANTS FOR APPLIED TECHNOLOGY EDUCATION

SEC. 221. PROGRAM AUTHORIZED.

(a) IN GENERAL.—Title II of the Act (20 U.S.C. 2331 et seq.) is amended to read as follows:

"TITLE II—BASIC STATE GRANTS FOR APPLIED TECHNOLOGY EDUCATION

"SEC. 201. DISTRIBUTION OF ASSISTANCE.

"(a) **IN GENERAL.**—Subject to subsection (c), each State that receives funds under this title shall distribute such funds as follows:

"(1)(A) Except as provided in subparagraph (B), funds available for secondary education programs for any fiscal year shall be allocated to local educational agencies within the State as follows:

"(i) From 70 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1005 of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such section by local educational agencies in the State in such year.

"(ii) From 20 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with handicaps who have individualized education programs under section 614(a)(5) of the Education of the Handicapped Act served by such local educational agency in the preceding fiscal year bears to the total number of such students served by local educational agencies in the State in such year.

"(iii) From 10 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of each local educational agency in the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of local educational agencies in the State in such year.

"(B)(i) In the case of any local educational agency that has jurisdiction only over elementary schools, the amount that would otherwise be allocated to such local educational agency under this paragraph shall be allocated to the local educational agency that has jurisdiction over the secondary schools that receive graduating students from such elementary schools.

"(ii) The amount to be allocated under clause (i) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

"(C) Each local educational agency that is allocated amounts under this section shall notify the State concerning the portion of its allocation that should be distributed by the State to such agency, to any consortia in which such agency participates, or to any area applied technology education school in accordance with the requirements of this section, and the State shall distribute the allocation accordingly.

"(2)(A) Funds available for adult education and postsecondary education programs shall be distributed to eligible institutions within the State as follows:

"(i) From 70 percent of such funds, each eligible institution shall receive an amount that bears the same relationship to such 70 percent as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs attending such institution in the preceding fiscal year bears to the number of such recipients attending institutions within the State in such year;

"(ii) From 20 percent of such funds, each eligible institution shall receive an amount

that bears the same relationship to such 20 percent as the number of individuals attending such institution who receive assistance under part A of title I of the Rehabilitation Act of 1973 in the preceding fiscal year bears to the number of such individuals attending institutions within the State in such year.

"(iii) From 10 percent of such funds, each eligible institution shall receive an amount that bears the same relationship to such 10 percent as the number of students enrolled in such institution in the preceding fiscal year bears to the number of students enrolled in institutions within the State in such year.

"(B) If the State determines that applied technology education programs offered by eligible institutions are clearly distinguishable from other education programs offered by such institutions, the State may determine the amount of each institution's allocation under subparagraph (A) based on enrollment of students described in clauses (i) through (iii) in applied technology education programs offered by such institution as compared to the number of such students enrolled in such programs in all institutions in the State.

"(b) CONSORTIA.—

"(1) A local educational agency for any fiscal year may apply for funds as part of a consortium with other local educational agencies or eligible institutions of higher education for the conduct of applied technology education programs. The State educational agency may assist in the formation of consortia between local educational agencies or eligible institutions of higher education at the request of a local educational agency.

"(2) Any local educational agency eligible for funds under this title which sends students to an area applied technology education school shall participate in a consortium with such school and any other local educational agencies which send students to such school.

"(3) Any local educational agency which receives for any fiscal year a grant under this title in an amount of not more than \$5,000 shall participate in a consortium with other local educational agencies or eligible institutions for purposes of providing services under this title.

"(4) The State may waive the requirements of paragraph (3) if a local educational agency in a rural and sparsely-populated area demonstrates the inability to form a consortium for administering programs assisted by this title.

"(c) LIMITATION.—

"(1)(A) In the first fiscal year for which funds are allocated under this section, no local educational agency or eligible institution shall be allocated an amount equal to or less than 75 percent of the average of its allocation percentage for each of the 3 fiscal years preceding the fiscal year for which the allocation was made.

"(B) In the second fiscal year for which funds are allocated under this section, no local educational agency or eligible institution shall be allocated an amount equal to less than 75 percent of its allocation percentage for the preceding fiscal year.

"(C) If the amount received by the State for either of the fiscal years described in subparagraph (A) or (B) is not sufficient to provide to each local educational agency and eligible institution within the State an amount equal to the amount described in subparagraphs (A) and (B), the amounts allocated to each such agency and institution shall be ratably reduced.

"(2) For purposes of this subsection, the term 'allocation percentage' means the percentage which a local educational agency or eligible institution received of the total amount allocated pursuant to this section or allotted under the Carl D. Perkins Vocational Education Act, as in effect on the day before the date of the enactment of the Applied Technology Education Amendments of 1989, to all agencies and institutions in the State.

"(d) **DEFINITIONS.**—For purposes of this title:

"(1) The term 'eligible institution' means any secondary school, area applied technology education school, community college, or institution of higher education designated by the State—

"(A) that offers programs qualified for assistance under section 202; and

"(B) that seeks to receive assistance under this part.

"(2) The term 'institution of higher education' has the meaning given that term in section 435(b) of the Higher Education Act of 1965.

"(3) The term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

"SEC. 202. USES OF FUNDS.

"(a) **IN GENERAL.**—Except as provided in subsection (b), each State may only approve programs under this title in local educational agencies and eligible institutions that will use funds provided under this title to—

"(1) first serve schools (or locations, in the case of an eligible institution that offers programs at more than 1 location) that—

"(A) have the highest numbers or percentages of students who are economically disadvantaged, students of limited English proficiency, and students with handicaps; and

"(B) are offering programs in greatest need of improvement; and

"(2) provide applied technology education in a program that—

"(A) integrates academic and occupational disciplines, including basic skills and remedial instruction as needed, so that students participating in the program are able to achieve both academic and occupational competence;

"(B) offers coherent sequences of courses leading to a job skill;

"(C) encourages students through counseling to pursue such coherent sequences of courses;

"(D) assists students who are economically disadvantaged, students of limited English proficiency, foster children, and students with handicaps to succeed through supportive services such as counseling, English-language instruction, child care, and special aids;

"(E) is of such size, scope, and quality as to bring about improvement in the quality of education offered by the school; and

"(F) seeks to cooperate with the activities of the sex equity program carried out under section 121(c).

"(b) **ARRANGEMENTS WITH PRIVATE INSTITUTIONS AND EMPLOYERS.**—Each State may use the portion of its allotment available in any fiscal year under section 102(a)(1)(C) and each local educational agency or eligible institution may use the portion of its allotment available under section 201 for the provision of educational training through arrangements with private applied technology training institutions, private postsecondary educational institutions, labor organizations, joint labor-management apprentice-

ship programs, and employers whenever such institutions or employers can make a significant contribution to obtaining the objectives of the State plan and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions.

"SEC. 203. CRITERIA FOR SERVICES AND ACTIVITIES FOR INDIVIDUALS WHO ARE MEMBERS OF SPECIAL POPULATIONS.

"(a) ASSURANCES OF EQUAL ACCESS FOR MEMBERS OF SPECIAL POPULATIONS.—The State board shall provide assurances that—

"(1) individuals who are members of special populations will be provided with equal access to recruitment, enrollment, and placement activities;

"(2) individuals who are members of special populations will be provided with equal access to the full range of applied technology programs available to individuals who are not members of special populations, including occupationally specific courses of study, cooperative education, and apprenticeship programs and shall not be discriminated against on the basis of their status as members of special populations; and

"(3)(A) applied technology education programs and activities for individuals with handicaps will be provided in the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized education program developed under section 614(a)(5) of such Act;

"(B) students with handicaps who have individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act shall, with respect to applied technology education programs, be afforded the rights and protections guaranteed such students under sections 612, 614, and 615 of such Act;

"(C) students with handicaps who do not have individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act or who are not eligible to have such a program shall, with respect to applied technology education programs, be afforded the rights and protections guaranteed such students under section 504 of the Rehabilitation Act of 1973;

"(D) applied technology education planning for individuals with handicaps will be coordinated between appropriate representatives of applied technology education, special education, and State vocational rehabilitation agencies; and

"(E) the provision of applied technology education to each student with handicaps will be monitored to determine if such education is consistent with the individualized education program developed for such student under section 614(a)(5) of the Education of the Handicapped Act, in any case in which such a program exists; and

"(4) the provision of applied technology education will be monitored to ensure that disadvantaged students and students of limited English proficiency have access to such education in the most integrated setting possible; and

"(5)(A) the requirements of this Act relating to individuals who are members of special populations—

"(i) will be carried out under the general supervision of individuals in the State educational agency who are responsible for students who are members of special populations; and

"(ii) will meet education standards of the State educational agency; and

"(B) with respect to students with handicaps, the supervision carried out under sub-

paragraph (A) shall be carried out consistent with and in conjunction with supervision by the State educational agency carried out under section 612(6) of the Education of the Handicapped Act.

"(b) PROVISION OF INFORMATION.—

"(1) Each local educational agency shall provide to students who are members of special populations and parents of such students at least 1 year before the students enter or are of an appropriate age for the grade level in which applied technology education programs are first generally available in the State, but in no event later than the beginning of the ninth grade, information concerning—

"(A) the opportunities available in applied technology education;

"(B) the requirements for eligibility for enrollment in such applied technology education programs;

"(C) specific courses that are available;

"(D) special services that are available;

"(E) employment opportunities; and

"(F) placement.

"(2) Each institution of higher education that receives assistance under this title shall provide the information described in paragraph (1) to each individual who requests information concerning or seeks admission to applied technology education programs offered by the institution.

"(3) The information provided under this subsection shall, to the extent practicable, be in a language and form that the parents and students understand.

"(c) ASSURANCES.—Each local educational agency or institution of higher education that receives assistance under this title shall provide assurances that such agency or institutions shall—

"(1) assess the special needs of students participating in programs receiving assistance under this title with respect to their successful completion of the applied technology education program in the most integrated setting possible;

"(2) provide special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs described in paragraph (1);

"(3) provide guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

"(4) provide counseling services designed to facilitate the transition from school to post-school employment and career opportunities.

"(d) PARTICIPATORY PLANNING.—

"(1) IN GENERAL.—The State board shall—

"(A) establish effective procedures by which parents, students, teachers, and area residents concerned will be enabled to directly participate in State and local decisions that influence the character of programs under this Act affecting their interests;

"(B) provide impartial procedures by which such individuals may, in a timely manner, appeal decisions adverse to their interests with respect to a particular program under this Act; and

"(C) provide technical assistance and design such procedures to ensure that such individuals are given access to the information needed to use such procedures.

"(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to limit remedies available to any individual under any other provision of law.

"SEC. 204. ISSUANCE OF REGULATIONS.

"Notwithstanding the provisions of section 504, the Secretary shall develop regula-

tions to be issued under this title in consultation with the Secretary of Labor and the Secretary of Health and Human Services."

(b) CLERICAL AMENDMENT.—The table of sections contained in section 1 of this Act is amended by striking the item relating to title II and all that follows through the item relating to section 252 and inserting the following new items:

"TITLE II—BASIC STATE GRANTS FOR APPLIED TECHNOLOGY EDUCATION

"Sec. 201. Distribution of assistance.

"Sec. 202. Uses of funds.

"Sec. 203. Criteria for services and activities for individuals who are members of special populations.

"Sec. 204. Issuance of regulations."

PART C—SPECIAL PROGRAMS

SEC. 231. CONSUMER AND HOMEMAKING EDUCATION.

(a) CONSUMER AND HOMEMAKING EDUCATION GRANTS.—Paragraph (2) of section 311 of the Act (20 U.S.C. 2361) is amended by inserting "individual and family health," after "food and nutrition,"

(b) USE OF FUNDS FROM CONSUMER AND HOMEMAKING EDUCATION GRANTS.—Section 312 of the Act (20 U.S.C. 2362) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "in" and inserting "for residents of"; and

(B) in paragraph (3), by inserting after "encourage" the following: ", in cooperation with the administrator of the State's sex equity program,";

(2) in paragraph (1) of subsection (b)—

(A) by striking "managing home and work responsibilities" and inserting "balancing work and family";

(B) by inserting after "family crises" the following: "(including family violence and child abuse)";

(C) by inserting after "parenting skills" the following: "(especially among teenage parents), preventing teenage pregnancy";

(D) by striking "handicapped individuals," and inserting "individuals with handicaps, and members of at-risk populations (including the homeless),"; and

(E) by striking "improving nutrition," and inserting "improving individual, child, and family nutrition and wellness."

(c) INFORMATION DISSEMINATION AND LEADERSHIP.—The second sentence of subsection (a) of section 313 of the Act (20 U.S.C. 2363) is amended—

(1) by inserting after "State leadership" the following: "and full time State administrators"; and

(2) by inserting "educational" after "experience and".

SEC. 232. ADULT TRAINING, RETRAINING, AND EMPLOYMENT DEVELOPMENT.

(a) IN GENERAL.—Part C of title III of the Act (20 U.S.C. 2371 et seq.) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to part C of title III and all that follows through the item relating to section 328.

SEC. 233. COMPREHENSIVE CAREER GUIDANCE AND COUNSELING PROGRAMS.

(a) REDESIGNATIONS.—

(1) PART.—Title III of the Act (20 U.S.C. 2351 et seq.) is amended by redesignating part D as part C.

(2) SECTIONS.—Sections 331, 332, and 333 of the Act (20 U.S.C. 2381, 2382, 2383) are redesignated as sections 321, 322, and 323, respectively.

(b) USE OF FUNDS FROM CAREER GUIDANCE AND COUNSELING GRANTS.—Section 322 of the

Act (as redesignated by subsection (a)(2)) is amended—

(1) in paragraph (2) of subsection (b), by inserting after "equipment acquisition" the following: "development of career information delivery systems"; and

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following new paragraph:

"(2) Not less than 20 percent of the sums made available to a State under this part shall be used for research and demonstration projects that demonstrate student outcomes."

(c) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to part D and all that follows through the item relating to section 333, and inserting the following:

"PART C—COMPREHENSIVE CAREER GUIDANCE AND COUNSELING PROGRAMS"

"Sec. 321. Grants for career guidance and counseling.

"Sec. 322. Use of funds from career guidance and counseling grants.

"Sec. 323. Information dissemination and leadership."

SEC. 234. BUSINESS-LABOR-EDUCATION PARTNERSHIP FOR TRAINING.

(a) REDESIGNATIONS.—

(1) PART.—Title III of the Act (20 U.S.C. 2351 et seq.) is amended by redesignating part E as part D.

(2) SECTIONS.—Sections 341, 342, and 343 of the Act (20 U.S.C. 2391, 2392, 2393) are redesignated as sections 331, 332, and 333, respectively.

(b) AMENDMENT TO PART HEADING.—The heading for part D of title III of the Act (as redesignated by subsection (a)(1)) is amended to read as follows:

"PART D—BUSINESS-LABOR-EDUCATION PARTNERSHIP FOR TRAINING"

(c) FINDINGS AND PURPOSE.—Section 331 of the Act (as redesignated by subsection (a)(2)) is amended to read as follows:

"SEC. 331. FINDINGS AND PURPOSE.

"The Congress finds that—

"(1) there is a need to infuse resources into the schools for the purpose of improving the quality of applied technology education; and

"(2) there is a need to fulfill the needs of business for skilled employees who meet certain minimal standards in key occupational areas."

(d) AUTHORIZATION OF GRANTS.—Section 332 of the Act (as redesignated by subsection (a)(2)) is amended—

(1) in subsection (a)—

(A) by striking "industry-education" and inserting "business-labor-education"; and

(B) by striking "high technology" and inserting "technological";

(2) by amending subsection (b) to read as follows:

"(b) USES OF GRANTS.—Grants to any State under this part shall be used in accordance with State plans and shall provide incentives for the coordination of programs assisted with funds under this part with related efforts under part E and under the Job Training Partnership Act. Each such State plan shall contain assurances to the Secretary that—

"(1) funds received under this part will be awarded on a competitive basis solely for applied technology education programs, including programs—

"(A) to provide apprenticeships and internships in industry;

"(B) to provide new equipment;

"(C) to make cash contributions to applied technology education programs;

"(D) to provide teacher internships or teacher training; and

"(E) that bring representatives of business and organized labor into the classroom;

"(2) the State will encourage participation in business-labor-education partnerships by small businesses and labor organizations by providing 60 percent of the funds needed for each such partnership;

"(3) the State will give preference to partnerships that coordinate with local chambers of commerce (or their equivalent), local labor organizations, or local economic development plans;

"(4) the State will ensure that assistance under this part is equitably distributed between programs in rural areas and programs in urban areas; and

"(5) not less than 50 percent of the aggregate cost of programs and projects assisted under this part will be provided from non-Federal sources and not less than 50 percent of such non-Federal share will be provided by participating businesses or labor organizations."; and

(3) by adding at the end the following new subsection:

"(d) POLICY MANUAL.—The Secretary shall prescribe policies for applied technology education programs carried out with assistance under this part. Such policies shall include examples of allowable expenses for business-labor-education partnerships."

(e) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to part E and all that follows through the item relating to section 343 and inserting the following:

"PART D—BUSINESS-LABOR-EDUCATION PARTNERSHIP FOR TRAINING"

"Sec. 331. Findings and purpose.

"Sec. 332. Authorization of grants.

"Sec. 333. Use of funds."

SEC. 235. TECH-PREP EDUCATION.

(a) IN GENERAL.—Title III of the Act (20 U.S.C. 2351 et seq.) is amended by adding at the end the following new part:

"PART E—TECH-PREP EDUCATION"

"SEC. 341. SHORT TITLE.

"This part may be cited as the 'Tech-Prep Education Act'.

"SEC. 342. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) rapid technological advances and global economic competition demand increased levels of skilled technical education preparation and readiness on the part of youths entering the workforce;

"(2) effective strategies reaching beyond the boundaries of traditional schooling are necessary to provide early and sustained intervention by parents, teachers, and educational institutions in the lives of students;

"(3) a combination of nontraditional school-to-work technical education programs, using state-of-the-art equipment and appropriate technologies, will reduce the dropout rate for high school students in the United States and will produce youths who are mature, responsible, and motivated to build good lives for themselves;

"(4) the establishment of systematic technical education articulation agreements between secondary schools and postsecondary educational institutions is necessary for providing youths with skills in the liberal and practical arts and in basic academics, including literacy instruction in the English language, and with the intense technical

preparation necessary for finding a position in a changing workplace;

"(5) by the year 2000 an estimated 15,000,000 manufacturing jobs will require more advanced technical skills, and an equal number of service jobs will become obsolete;

"(6) more than 50 percent of jobs that are currently developing will require skills greater than those currently provided by existing educational programs;

"(7) dropout rates in urban schools are currently 50 percent or higher, and more than 50 percent of all Hispanic youth drop out of high school;

"(8) each year, as a result of 1,000,000 youths dropping out of high school with inadequate preparation to enter the workforce, the United States loses \$240,000,000,000 in earnings and taxes; and

"(9) employers in the United States pay an estimated \$210,000,000,000 annually for formal and informal training, remediation, and in lost productivity as a result of untrained and unprepared youth joining, or attempting to join, the workforce of the United States.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to provide planning and demonstration grants to consortia of local educational agencies and postsecondary educational institutions, for the development and operation of 4-year programs designed to provide a tech-prep education program leading to a 2-year associate degree or a 2-year certificate; and

"(2) to provide, in a systematic manner, strong, comprehensive links between secondary schools and postsecondary educational institutions.

"SEC. 343. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to pay the Federal share of the cost of activities carried out under this part to consortia of—

"(1) local educational agencies or area vocational schools serving secondary school students; and

"(2)(A) nonprofit institutions of higher education which offer a 2-year associate degree program or a 2-year certificate program and which are qualified as institutions of higher education pursuant to section 481(a) of the Higher Education Act of 1965, including institutions receiving assistance under the Tribally Controlled Community College Assistance Act of 1978; or

"(B) proprietary institutions of higher education which offer a 2-year associate degree program and which are qualified as institutions of higher education pursuant to section 481(a) of the Higher Education Act of 1965.

"(b) AMOUNTS OF GRANTS.—

"(1) FEDERAL SHARE.—The Federal share of the cost of any activity carried out with assistance under this part may not exceed—

"(A) for the first year that a grant is received, 100 percent of such cost with respect to planning purposes;

"(B) for the second year that a grant is received, 80 percent of such cost with respect to implementation and operation;

"(C) for the third year that a grant is received, 70 percent of such cost with respect to operation;

"(D) for the fourth year that a grant is received, 60 percent of such cost with respect to operation; and

"(E) for the fifth year that a grant is received, 50 percent of such cost with respect to operation.

"SEC. 344. TECH-PREP EDUCATION PROGRAMS.

"(a) **GENERAL AUTHORITY.**—Each grant recipient shall use amounts provided under the grant to develop and operate a 4-year tech-prep education program.

"(b) **CONTENTS OF PROGRAM.**—Any such program shall—

"(1) be carried out under an articulation agreement between the participants in the consortium;

"(2) consist of the 2 years of secondary school preceding graduation and 2 years of higher education, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree or certificate in a specific career field;

"(3) include the development of tech-prep education program curriculum appropriate to the needs of the consortium participants; and

"(4) include in-service training for teachers that—

"(A) is designed to train teachers to implement effectively tech-prep education curriculum;

"(B) provides for joint training for teachers from all participants in the consortium; and

"(C) may provide such training in weekend, evening, and summer sessions, institutes or workshops; and

"(5) include training programs for counselors designed to enable counselors to more effectively—

"(A) recruit students for tech-prep education programs;

"(B) ensure that such students successfully complete such programs; and

"(C) ensure that such students are placed in appropriate employment.

"(c) **ADDITIONAL AUTHORIZED ACTIVITIES.**—Any such program may provide for the acquisition of tech-prep education program equipment.

"SEC. 345. APPLICATIONS.

"(a) **IN GENERAL.**—Each consortium that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(b) **FIVE-YEAR PLAN.**—Each application submitted under this subsection shall contain a 5-year plan for the development and implementation of activities under this part.

"(c) **APPROVAL.**—The Secretary shall approve applications based on their potential to create an effective tech-prep education program as provided for in section 344. The Secretary shall notify the State board of the approval of an application from a consortium within the State.

"(d) **SPECIAL CONSIDERATION.**—The Secretary shall give special consideration to applications which—

"(1) provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs;

"(2) demonstrate commitment to continue the program after the termination of assistance under this part;

"(3) are developed in consultation with business, industry, and labor unions; and

"(4) address effectively the issues of dropout prevention and re-entry, the needs of minority youths, the needs of youths of limited English proficiency, the needs of youths with handicaps, and the needs of disadvantaged youths.

"(e) **EQUITABLE DISTRIBUTION OF ASSISTANCE.**—In making grants, the Secretary shall ensure an equitable distribution of assistance among the States and among a cross

section of urban and rural consortium participants.

"(f) **NOTICE.**—

"(1) **OF FILING OF APPLICATION.**—Each consortia that submits an application under this section shall provide notice of such submission and a copy of such application to the State educational agency and the State agency for higher education of the State in which the consortia is located.

"(2) **OF GRANT APPROVAL.**—The Secretary shall notify the State educational agency, the State agency for higher education, and the State human investment council of any State each time a consortia located in such State is selected to receive a grant under this part.

"SEC. 346. REPORTS.

"(a) **REPORTS TO SECRETARY.**—Each grant recipient shall, with respect to assistance received under this part, submit to the Secretary such reports as may be required by the Secretary to ensure that such grant recipient is complying with the requirements of this part.

"(b) **REPORT TO CONGRESS.**—After grant recipients who receive grants in the first year in which grants are made under this part complete their eligibility under the program, the Secretary shall submit to the Congress a report evaluating the effectiveness of the program under this part.

"SEC. 347. DEFINITIONS.

"For purposes of this part:

"(1) The term 'articulation agreement' means a commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to competencies in a tech-prep education program.

"(2) The term 'tech-prep education program' means a combined secondary and postsecondary program which—

"(A) leads to an associate degree or 2-year certificate;

"(B) provides technical preparation in at least 1 field of engineering technology, applied science, or mechanical, industrial, or practical art or trade;

"(C) provides competence in mathematics, science, and communications (including through applied academics); and

"(D) leads to placement in employment."

(b) **CLERICAL AMENDMENT.**—The table of sections contained in section 1 of the Act is amended by inserting after the item relating to section 333 the following new items:

"PART E—TECH-PREP EDUCATION

"Sec. 341. Short title.

"Sec. 342. Findings and purpose.

"Sec. 343. Program authorized.

"Sec. 344. Tech-prep education programs.

"Sec. 345. Applications.

"Sec. 346. Reports.

"Sec. 347. Definitions."

SEC. 236. IMPROVEMENT OF FACILITIES AND ACQUISITION OF EQUIPMENT.

(a) **IN GENERAL.**—Title III of the Act (as amended by section 237) (20 U.S.C. 2351 et seq.) is amended by adding at the end the following new part:

"PART F—IMPROVEMENT OF FACILITIES AND ACQUISITION OF EQUIPMENT

"SEC. 351. AUTHORIZATION OF GRANTS.

"(a) **GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—From amounts appropriated pursuant to the authorization contained in section 3(b)(1)(F), the Secretary shall make grants to local educational agencies in economically depressed areas for purposes of improving facilities and acquiring or leasing equipment to be used for carrying out vocational education programs under this Act.

"(b) **ELIGIBILITY CRITERIA.**—The Secretary may only make grants under this Act to local educational agencies in whose jurisdiction at least 20 percent of the children aged 5 to 17, inclusive, are eligible to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965.

"(c) **RURAL-URBAN DISTRIBUTION.**—The Secretary shall ensure that, of amounts provided for purposes of making grants under this part—

"(1) 50 percent of such amounts are used for grants to local educational agencies in rural areas; and

"(2) 50 percent of such amounts are used for grants to local educational agencies in urban areas.

"SEC. 352. APPLICATIONS.

"(a) **IN GENERAL.**—Each local educational agency that desires to receive a grant under this part shall submit to the Secretary an application at such time, and containing or accompanied by such information, as the Secretary may reasonably require.

"(b) **NOTICE.**—

"(1) **OF FILING OF APPLICATION.**—Each local educational agency that submits an application under this section shall provide notice of such submission and a copy of such application to the State educational agency of the State in which the local educational agency is located.

"(2) **OF GRANT APPROVAL.**—The Secretary shall notify the State educational agency and the State human investment council of any State each time a local educational agency located in such State is selected to receive a grant under this part."

(b) **CLERICAL AMENDMENT.**—The table of contents contained in section 1 of the Act (as amended by section 237) is amended by adding after the item relating to section 346 the following new items:

"PART F—IMPROVEMENT OF FACILITIES AND ACQUISITION

"Sec. 351. Authorization of grants.

"Sec. 352. Applications."

PART D—NATIONAL PROGRAMS

SEC. 241. RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The heading for part A of title IV of the Act is amended to read as follows:

"PART A—RESEARCH AND DEVELOPMENT"

(b) **CLERICAL AMENDMENT.**—The table of contents contained in section 1 of the Act is amended by striking the item relating to part A of title IV and inserting the following:

"PART A—RESEARCH AND DEVELOPMENT"

SEC. 242. RESEARCH OBJECTIVES.

Section 401 of the Act (20 U.S.C. 2401) is amended—

(1) in paragraph (1), by striking "single parents or homemakers" and inserting "single parents, homemakers, or displaced homemakers";

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) to authorize additional research and development activities that are related to the goals of this Act as stated in section 202."

SEC. 243. RESEARCH ACTIVITIES.

Section 402 of the Act (20 U.S.C. 2402) is amended—

(1) in subsection (a)—

(A) by striking "National Institute of Education" and inserting "Office of Educational Research and Improvement";

(B) in paragraph (1)—

(i) by striking "quality";

(ii) by striking "education to handicapped individuals" and inserting the following: "education of high quality that meets the requirements of section 113(a)(3)(D) to individuals with handicaps"; and

(iii) by striking "or homemakers" and inserting ", homemakers, or displaced homemakers";

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraph (4) as paragraph (6);

(E) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(F) by redesignating paragraph (7) as paragraph (8);

(G) by inserting after paragraph (1) the following new paragraphs:

"(2) research on the development and implementation of performance standards and measures that fit within the needs of State and local educational agencies in carrying out the provisions of this Act and on the relationship of such standards and measures to the data system established under section 421, which may include evaluation of existing performance standards and measures and dissemination of such information to State and local educational agencies;

"(3) evaluation of the use of performance standards and measures under this Act and the effect of such standards and measures on the participation of students in applied technology education programs and on the outcomes of students in such programs, especially students who are members of special populations;";

(H) in paragraph (6) (as redesignated by subparagraph (D) of this section)—

(i) by inserting "and advanced" after "basic"; and

(ii) by inserting "and problem-solving" after "academic"; and

(I) by inserting after paragraph (6) (as redesignated by subparagraph (D) of this section) the following new paragraph:

"(7) successful methods for providing students with experience in and understanding of all aspects of the industry they are preparing to enter; and"; and

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) DISSEMINATION.—The Secretary shall establish a system for disseminating information resulting from research and development activities carried out under this Act. In establishing such system, the Secretary shall use existing dissemination systems, including the National Diffusion Network, the National Center for Research in Applied Technology Education, and curriculum coordination centers, in order to assure broad access at the State and local levels to the information being disseminated."

SEC. 244. NATIONAL ASSESSMENT OF APPLIED TECHNOLOGY EDUCATION PROGRAMS ASSISTED UNDER THE CARL D. PERKINS APPLIED TECHNOLOGY EDUCATION ACT.

(a) AMENDMENT TO SECTION HEADING.—The heading for section 403 of the Act (20 U.S.C. 2403) is amended to read as follows:

"SEC. 403. NATIONAL ASSESSMENT OF APPLIED TECHNOLOGY EDUCATION PROGRAMS ASSISTED UNDER THIS ACT."

(b) IN GENERAL.—Section 403 of the Act (20 U.S.C. 2403) is amended—

(1) by striking "Sec. 403.";

(2) by striking "National Institute of Education" each place it appears and inserting "Office of Education Research and Improvement";

(3) in subsection (a)—

(A) by striking "through independent studies and analysis by the" and inserting the following: "through an independent assessment group established by the";

(B) in paragraph (1), by inserting after "education" the last place it appears the following: "(as required by section 113(a)(3)(D))"; and

(C) in paragraph (2), by inserting before the semicolon the following: "and to provide experience in and understanding of all aspects of the industry for which students are being prepared";

(5) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(6) by amending subsection (b) (as redesignated by paragraph (5) of this subsection) to read as follows:

"(b) Notwithstanding any other provision of law, reports prepared by the independent assessment group established under subsection (a) shall not be subject to any review before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate."

(c) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to section 403 and inserting the following:

"Sec. 403. National assessment of applied technology education programs assisted under this Act."

SEC. 245. NATIONAL CENTER FOR RESEARCH IN APPLIED TECHNOLOGY EDUCATION.

(a) AMENDMENT TO SECTION HEADING.—The section heading for section 404 of the Act (20 U.S.C. 2404) is amended to read as follows:

"SEC. 404. NATIONAL CENTER FOR RESEARCH IN APPLIED TECHNOLOGY EDUCATION."

(b) IN GENERAL.—Section 404 of the Act (20 U.S.C. 2404) is amended—

(1) by striking "Sec. 404.";

(2) by striking "National Center for Research in Vocational Education" and inserting "National Center for Research in Applied Technology Education";

(3) in paragraph (1) of subsection (b)—

(A) in subparagraph (A)—

(i) by inserting "(as required by section 113(a)(3)(D))" after "education";

(ii) by striking "handicapped individuals" and inserting "individuals with handicaps"; and

(iii) by striking "or homemakers" and inserting ", homemakers, or displaced homemakers"; and

(B) by amending subparagraph (C) to read as follows:

"(C) successful methods of reinforcing and enhancing basic and advanced academic and problem-solving skills and of providing students with experience in and understanding of all aspects of the industry they are preparing to enter;";

(c) CLERICAL AMENDMENT.—The table of sections contained in section 1 of the Act is amended by striking the item relating to section 404 and inserting the following:

"Sec. 404. National center for research in applied technology education."

SEC. 246. PROFESSIONAL DEVELOPMENT.

(a) RESEARCH.—Part A of title IV of the Act (20 U.S.C. 2401 et seq.) is amended by inserting after the part heading the following new heading:

"Subpart 1—Research".

(b) PROGRAM AUTHORIZED.—Part A of title IV of the Act (20 U.S.C. 2401 et seq.) is further amended by adding at the end the following new subpart:

"Subpart 2—Professional Development

"SEC. 406. APPLIED TECHNOLOGY EDUCATION PERSONNEL DEVELOPMENT ASSISTANCE.

"(a) PROGRAM AUTHORIZED.—From funds available under this section, the Secretary shall provide—

"(1) opportunities for experienced applied technology educators, community-based organization staff, and administrators of programs funded by the Job Training Partnership Act that operate in applied technology settings to participate in advanced study of applied technology education;

"(2) opportunities for—

"(A) certified teachers who have been trained to teach in other fields to become applied technology educators, if those teachers have skills and experience in fields which facilitate their training as applied technology educators, especially skills and experience teaching individuals of limited English proficiency;

"(B) individuals in industry who have skills and experience in applied technology fields for which they can be trained to be applied technology educators;

"(C) applied technology educators to update or maintain technological currency in their fields; and

"(3) opportunities for gifted and talented applied technology education secondary and postsecondary students to intern with Federal or State agencies, nationally recognized applied technology education associations and student organizations, or the National Center for Research in Applied Technology Education.

"(b) LEADERSHIP DEVELOPMENT AWARDS.—

"(1) In order to meet the needs of all States for qualified applied technology education leaders (such as administrators, supervisors, teacher educators, researchers, career guidance and applied technology counseling personnel, applied technology student organization leadership personnel, and teachers in applied technology education programs), the Secretary, following recipient designation by respective State directors of applied technology education, shall, in consultation with the Blue Ribbon Applied Technology Education Program school recognition program established under section 424(b), make available leadership development awards in accordance with the provisions of this subsection only after determination by the respective State director of applied technology education that, for the purposes of subsection (a)(1), individuals selected for awards—

"(A) have had not less than 3 years of experience in applied technology education or in industrial training or, in the case of researchers, experience in social science research which is applicable in applied technology education;

"(B) are currently employed or are reasonably assured of employment in applied technology education and have successfully completed, as a minimum, a baccalaureate degree program;

"(C) are recommended by their employer, or others, as having leadership potential in the field of applied technology education and have been accepted for admission as a graduate student in a program of higher education approved by the Secretary; and

"(D) have made a commitment to return to the field of applied technology education

upon completion of education provided through the leadership development award.

"(2) The Secretary shall, for a period of not more than 3 years, pay to individuals selected for leadership development awards such stipends (including allowances for tuition, nonrefundable fees, and other expenses for such individuals and their dependents) as the Secretary may determine to be consistent with prevailing practices.

"(3)(A) Except as provided in subparagraph (B), the Secretary shall, in addition to the stipends paid to individuals under subsection (b)(2), pay to the institution of higher education at which such individuals are pursuing a course of study such amount as the Secretary may determine, not to exceed \$9,000 per individual per academic year or its equivalent and \$3,000 per individual per summer session or its equivalent.

"(B) Any amount charged an individual who is receiving assistance under this section by the institution of higher education such individual is attending for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection. Any funds from grants received under this paragraph which remain after deducting normal tuition fees, and deposits attributable to such students, shall be used by the institution receiving such funds for the purpose of improving the program of applied technology education offered by that institution.

"(4) The Secretary shall approve the application of the applied technology education program of an institution of higher education for the purposes of this section only upon finding that—

"(A) the institution offers a comprehensive program in applied technology education with adequate supporting services and disciplines such as education administration, career guidance and applied technology counseling, research, and curriculum development;

"(B) such program is designed to substantially advance the objective of improving applied technology education through providing opportunities for graduate training of vocation teachers, supervisors, and administrators, and of university level applied technology education teacher educators and researchers; and

"(C) such programs are conducted by a school of graduate study in the institution of higher education.

"(5) The Secretary, in carrying out this subsection, shall apportion leadership development awards equitably among the States, taking into account such factors as the State's applied technology education enrollments, the need for additional applied technology education personnel.

"(6) Individuals receiving leadership development awards under the provisions of this subsection shall continue to receive the payments provided in subsection (b)(2), not to exceed 3 years, only during such periods as such individuals are—

"(A) pursuing full time studies in the field of applied technology education in an approved institution of higher education;

"(B) maintaining satisfactory proficiency in such studies; and

"(C) are not engaging in gainful employment other than part-time employment by such institution or institute in teaching, research, or similar activities.

"(c) FELLOWSHIPS.—(1) In order to meet the need to provide adequate numbers of teachers and related classroom instructors in applied technology education who are techno-

logically current in their fields, to take full advantage of the education which has been provided to already certified teachers who are unable to find employment in their fields of training and of individuals employed in industry who have skills and experiences in applied technology fields, and to encourage more instructors from minority groups, as well as teachers with skills and experience with individuals of limited English proficiency, the Secretary, following recipient designation by respective State directors of applied technology education, shall make available fellowships, in accordance with the provisions of this subsection, to such individuals upon determination that, for the purpose of subsection (a)(2), individuals selected for such fellowships are—

"(A) currently employed in applied technology education and need to update or maintain their technological skills;

"(B) presently certified, or were certified within the previous 10-year period, by a State as teachers in secondary schools, area applied technology schools or institutes, or in community and junior colleges and have past or current skills and experiences in applied technology fields for which they can be trained to be applied technology educators, especially skills and experience teaching individuals of limited English proficiency; or

"(C) employed in agriculture, business, or industry (and may or may not hold a baccalaureate degree) who have skills and experiences in applied technology fields for which there is a need for applied technology educators, and that individuals receiving such awards have been accepted by an institution of higher education in a program to assist those individuals in gaining the skills to become an applied technology educator.

"(2) The Secretary shall, for a period not to exceed 2 years, pay to individuals selected by the State director of applied technology education for personnel development fellowships under this subsection, stipends (including such allowances for tuition, nonrefundable fees, and subsistence and other expenses for such individuals and their dependents) as the Secretary may determine to be consistent with prevailing practices.

"(3) The Secretary shall approve personnel development fellowships at institutions of higher education only upon finding that—

"(A) the institution offers a comprehensive program in applied technology education with adequate supporting services and disciplines such as education administration, career guidance and applied technology counseling, research and curriculum development; and

"(B) such program is available to individuals receiving these fellowships so that they can receive the same quality of education and training being offered in the institution for undergraduate students who are preparing to become applied technology education teachers.

"(4) The Secretary, in carrying out this subsection, shall apportion the fellowships equitably among the States, taking into account such factors as the State's applied technology education enrollments, the need for additional applied technology education personnel, especially minorities and those with skills and experience in teaching individuals of limited English proficiency.

"(5) Individuals receiving personnel development fellowships under the provisions of this subsection shall continue to receive payments provided in paragraph (2) only during such periods as such individuals are maintaining satisfactory proficiency, and devoting full time to study in the field of ap-

plied technology education in an institution of higher education and are not engaging in gainful employment other than part-time employment by such institution.

"(6)(A) in carrying out this subsection, the Secretary shall, before the beginning of each fiscal year, based on information from the National Occupational Information Coordinating Committee, State occupational information coordinating committees, the applied technology education data system established pursuant to section 421, and other appropriate sources, publish a listing—

"(i) of the areas of teaching in applied technology education which are presently in need of additional personnel;

"(ii) of the areas of teaching which will likely have need of additional personnel in the future; and

"(iii) of areas of teaching in which technological upgrading may be especially critical.

"(B) In selecting recipients for fellowships under this subsection, respective State directors of applied technology education shall, to the maximum extent feasible, grant fellowships to individuals seeking to become teachers or upgrade their skills in the areas identified.

"(d) INTERNSHIPS FOR GIFTED AND TALENTED STUDENTS.—

"(1) In order to meet the need of attracting gifted and talented applied technology education students into further study and professional development in the field of applied technology education, the Secretary shall make available stipends for internships for gifted and talented applied technology education secondary and postsecondary students to intern in Federal and State agencies, nationally recognized applied technology education associations, or the National Center for Research in Applied Technology Education for a period not to exceed 9 months, only upon determination that—

"(A) individuals selected are recommended as gifted and talented by an applied technology educator at the secondary or postsecondary school the student attends; and

"(B) the individuals selected will be provided professional supervision by an individual qualified and experienced in the field of applied technology education at the agency or institution at which the internship is offered.

"(2) The Secretary shall approve internships for a period not to exceed 9 months to individuals selected for the internships under this subsection to cover subsistence and other expenses for such individuals as the Secretary may determine to be consistent with prevailing practices.

"(e) AVAILABILITY OF AMOUNTS.—Of the amounts available pursuant to section 3(e) for any fiscal year for this part, there shall be available in each fiscal year not less than \$5,000,000 to carry out the provisions of this section."

(c) CLERICAL AMENDMENTS.—The table of contents contained in section 1 of the Act is amended—

(1) by inserting after the item relating to part A of title IV the following new item:

"Subpart 1—Research"; and

(3) by inserting after the item relating to section 404 the following new items:

"Subpart 2—Professional Development

"Sec. 406. Applied technology education personnel development assistance."

SEC. 247. COOPERATIVE DEMONSTRATION PROGRAMS.

Subsection (a) of section 411 of the Act (20 U.S.C. 2411) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) model programs described in section 312(b)(1), including child growth and development centers; and

"(5) grants to community-based organizations in partnerships with local schools, institutions of higher education, and businesses for programs and projects that assist disadvantaged youths in preparing for technical and professional health careers (which partnerships should include in-kind contributions from such schools, institutions, and businesses and involve health professionals serving as preceptors and counselors)."

SEC. 248. DEMONSTRATION CENTERS FOR THE TRAINING OF DISLOCATED WORKERS.

Section 415 of the Act (20 U.S.C. 2415) is amended to read as follows:

"SEC. 415. PROGRAM AUTHORIZED.

"(a) **GENERAL AUTHORITY.**—The Secretary shall establish 1 or more demonstration centers for the retraining of dislocated workers. Such center or centers may provide for the recruitment of unemployed workers, applied technology evaluation, assessment and counseling services, applied technology and technical training, support services, and job placement assistance. The design and operation of each center shall provide for the utilization of appropriate existing Federal, State, and local programs.

"(b) **EVALUATION.**—The Secretary shall provide for the evaluation of each center established under subsection (a).

"(c) **DISSEMINATION OF INFORMATION.**—The Secretary shall disseminate information on successful retraining models developed by any center established under subsection (a) through dissemination programs operated by the Secretary and the Secretary of Labor.

"(d) **ELIGIBLE ORGANIZATIONS.**—Any private, nonprofit organization that is eligible to receive funding under the Job Training Partnership Act is eligible to receive funding under this section."

SEC. 249. BUSINESS-LABOR-EDUCATION COMMITTEES FOR DEVELOPMENT OF NATIONAL INDUSTRY COMPETENCY STANDARDS.

(a) **GENERAL AUTHORITY.**—Part B of title IV of the Act (20 U.S.C. 2411 et seq.) is amended by adding at the end the following new subpart:

"Subpart 5—Development of Business and Education Standards

"SEC. 419. PROGRAM AUTHORIZED.

"(a) **FINDINGS.**—The Congress finds that, in order to meet the needs of business for competent entry level workers who have received a quality applied technology education, national standards should be developed for competencies in industries and trades.

"(b) **GENERAL AUTHORITY.**—

"(1) **ESTABLISHMENT OF PROGRAM.**—From the amounts available for this part under section 451 for each fiscal year, the Secretary shall establish a program of grants to industrial trade associations, labor organizations, or comparable national organizations for purposes of organizing and operating business-labor-education technical committees.

"(2) **DUTIES OF COMMITTEES.**—The committees established with assistance under this subpart shall propose national standards for competencies in industries and trades. Such

standards shall at least include standards for—

"(A) major divisions or specialty areas identified within occupations studied;

"(B) minimum hours of study to be completed in such divisions or specialty areas;

"(C) minimum tools and equipment required in such divisions or specialty areas;

"(D) minimum qualifications for instructional staff; and

"(E) minimum tasks to be included in any course of study purporting to prepare individuals for work in such divisions or specialty areas.

"(c) **MATCHING REQUIREMENT.**—Each recipient of a grant under this section shall agree to provide for the committee to be established under the grant an amount equal to the amount provided under the grant.

"(d) **APPLICATION.**—Any industrial trade association, labor organization, national joint apprenticeship committee, or comparable national organization that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require."

(b) **CLERICAL AMENDMENT.**—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 417 the following new items:

"Subpart 5—Development of Business and Education Standards

"Sec. 419. Program authorized."

SEC. 250. DATA SYSTEMS AUTHORIZED.

Section 421 of the Act (20 U.S.C. 2421) is amended to read as follows:

"SECTION 421. DATA SYSTEMS AUTHORIZED.

"(a) **ESTABLISHMENT OF SYSTEM.**—

"(1) The Secretary shall, directly, or by grant, contract or cooperative agreement, establish an applied technology educational data system (hereafter in this section referred to as the "system") using comparative information elements and uniform definitions, to the extent practicable.

"(2) The Secretary shall establish the system not later than the end of the 6-month period beginning on the date of the enactment of the Applied Technology Education Amendments of 1989.

"(3) The National Center for Education Statistics (hereafter in this section referred to as the "National Center") shall coordinate the development and implementation of the system.

"(b) **FUNCTIONS OF SYSTEM.**—Through the system, the Secretary shall collect data and analyze such data in order to provide—

"(1) the Congress with information relevant to policy making, and

"(2) Federal, State and local agencies with information relevant to program management, administration and effectiveness with respect to education and employment opportunities.

"(c) **CONTENTS OF SYSTEM.**—

"(1)(A) The system shall include information—

"(i) describing the major elements of the applied technology education system on at least a national basis, including information with respect to teachers, administrators, facilities, and, to the extent practicable, equipment; and

"(ii) describing the condition of applied technology education with respect to the elements described in clause (i).

"(B) The information described in subparagraph (A) shall be provided, to the extent practicable, in the context of other educational data relating to the condition of the overall education system.

"(C) The Secretary, in consultation with the Task Force, the National Center, and the Office of Adult and Vocational Education (hereafter in this section referred to as the "Office"), shall modify existing general purpose and program data systems to ensure that an appropriate applied technology education component is included in their design, implementation and reporting in order to fulfill the information requirements of this section.

"(2) The information system shall include data reflecting the extent of participation of the following populations:

"(A) women;

"(B) Indians;

"(C) individuals with handicaps;

"(D) individuals of limited English proficiency;

"(E) economically disadvantaged students (including information on students in rural and urban areas);

"(F) adults who are in need of training and retraining;

"(G) single parents;

"(H) youths incarcerated in juvenile detention or correctional facilities or criminal offenders who are serving time in correctional institutions;

"(I) individuals who participate in programs designed to eliminate gender bias and sex stereotyping in vocational education;

"(J) minorities; and

"(K) displaced homemakers.

"(3) The Secretary, in consultation with the National Center and the Office, shall maintain and update the system at least every 3 years and assure the system provides the highest quality statistics and is adequate to meet the information needs of this Act. In carrying out the requirements of this paragraph, the Secretary shall ensure that appropriate methodologies are used in assessments of students of limited English proficiency and students with handicaps to ensure valid and reliable comparisons with the general student population and across program areas. With respect to standardized tests and assessments administered under this Act, test results shall be used as 1 of multiple independent indicators in assessment of performance and achievement.

"(d) **ASSESSMENT OF INTERNATIONAL COMPETITIVENESS.**—The Center shall carry out an assessment of data availability and adequacy with respect to international competitiveness in applied technology skills. To the extent practicable, the assessment shall include comparative policy-relevant data on applied technology education in nations which are major trade partners of the United States. The assessment shall at a minimum identify available internationally comparative data on applied technology education and options for obtaining and upgrading such data. The results of the assessment required by this paragraph shall be reported to the appropriate committees of the Congress not later than August 31, 1994.

"(e) **USE OF AND COMPATIBILITY WITH OTHER DATA COLLECTION SYSTEMS.**—

"(1) In establishing, maintaining, and updating the system, the Secretary shall—

"(A) use existing data collection systems operated by the Secretary and, to the extent appropriate, data collection systems operated by other Federal agencies;

"(B) conduct additional data collection efforts to augment the data collection systems described in subparagraph (A) by providing information necessary for policy analysis required by this section; and

"(C) use any independent data collection efforts that are complementary to the data

collection efforts described in subparagraphs (A) and (B).

"(2) In carrying out the responsibilities imposed by this part, the Secretary shall cooperate with the Secretary of Commerce, the Secretary of Labor, and the National Occupational Information Coordinating Committee established under section 422 with respect to the development of an information system under section 463 of the Job Training Partnership Act to ensure that the information system operated under this section is compatible with and complementary to other occupational supply and demand information systems developed or maintained with Federal assistance. The Secretary shall also ensure that the system allows international comparisons to the extent feasible.

"(3) The Secretary shall assure that the system, to the extent practicable, uses data definitions common to State plans, performance standards, local applications and evaluations required by this Act. The data in the system shall be available for use in preparing such plans, standards, applications, and evaluations.

"(f) EVALUATION OF SYSTEM.—

"(1) The Secretary, in consultation with the National Center and the Office, shall, by grant, contract, or cooperative agreement, provide for evaluation studies to determine the effect of programs carried out under this Act. Such evaluation studies shall include—

"(A) evaluations of performance standards used under this Act, including validity, predictiveness and reliability for special populations; and

"(B) a description of the services expected to be needed and recommendations for the improvement of the programs under this Act.

"(2) The Secretary shall, not later than July 1 of each year, submit to the appropriate committees of the Congress and publish in the Federal Register proposed data collection priorities for review and comment.

"(g) REPORTS.—The Secretary shall report to the Congress at least biennially with respect to—

"(1) the performance of the system established under subsection (a); and

"(2) strategies to improve the system and expand its implementation.

"(h) APPLIED TECHNOLOGY EDUCATION ADVISORY TASK FORCE.—

"(1) The Secretary, in consultation with the National Center and the Office shall establish an Applied Technology Education Advisory Task Force.

"(2) The Secretary shall establish the Task Force before the expiration of the 90-day period beginning on the date of the enactment of the Applied Technology Education Amendments of 1989, and shall terminate upon the expiration of the 2-year period beginning on such date.

"(3) The Task Force shall advise the Secretary on the development and implementation of an information reporting and accounting system responsive to the diverse programs supported by this Act.

"(4) The membership of the Task Force shall be representative of Federal, State, and local agencies affected by technological information, representatives of secondary and postsecondary applied technology institutions, and representatives of applied technology education student organizations and representatives of special populations.

"(5) The National Center shall provide the Task Force with staff for the purpose of carrying out its functions.

"(i) ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES.—As a regular part of its assess-

ments, the National Assessment of Educational Progress shall collect and report information for at least a nationally scientific subsample of applied technology education students, including students who are members of special populations, which shall allow for fair and accurate assessment and comparison of the educational achievement of applied technology students and other students in the areas assessed. Such assessment may include international comparisons.

"(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts available pursuant to section 3(e) for any fiscal year for this part, there shall be available not less than \$1,000,000 to carry out the purposes of this section."

SEC. 250A. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

(a) AMENDMENT TO SECTION HEADING.—The heading for section 422 of the Act (20 U.S.C. 2422) is amended to read as follows:

"SEC. 422. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE."

(b) IN GENERAL.—Section 422 of the Act (20 U.S.C. 2422) is amended—

(1) by striking "SEC. 422."; and

(2) in subsection (a)—

(A) by inserting after "Coordinating Committee" the following: "(hereafter in this section referred to as the 'Committee')";

(B) by inserting after "Office of Bilingual Education and Minority Language Affairs," the following: "the Assistant Secretary for Post Secondary Education,";

(C) by striking "(Manpower, Reserve Affairs, and Logistics)" and inserting "(Force Management and Personnel)";

(D) in paragraph (2), by inserting before the semicolon the following: "including regularly updated data on employment demand for agribusiness";

(E) in paragraph (3), by striking "conduct studies on" and inserting the following: "conduct studies to improve the quality and delivery of occupational information systems to assist economic development activities, and examine";

(F) by redesignating paragraph (4) as paragraph (6); and

(G) by inserting after paragraph (3) the following new paragraphs:

"(4) continue training, technical assistance activities to support comprehensive career guidance, and applied technology counseling programs designed to promote improved career decision-making by individuals (especially in areas of career information delivery and use);

"(5) coordinate the efforts of Federal, State, and local agencies with respect to such programs;"; and

(3) by adding at the end the following new subsections:

"(c) LONGITUDINAL OCCUPATIONAL INFORMATION DEMONSTRATION PROGRAM.—

"(1) The Committee, in consultation with the National Center for Research in Applied Technology Education, appropriate Federal agencies, and the States, shall establish a demonstration program to monitor educational outcomes for applied technology education using wage and other records. The Committee shall develop procedures for establishing and maintaining nationally accessible information on a sample of wage and earning records maintained by States on earnings, establishment and industry affiliation and geographical location, and on educational activities. This information shall be collected on at least an annual basis. The Program shall ensure that a scientific sample of applied technology education students and nonapplied technology educa-

tion students, local educational agencies, and States participate in the program. The Committee shall maintain, analyze, and report data collected under the program and shall provide technical assistance to States, local educational agencies, and others that wish to participate in the study.

"(2) The program shall provide for an independent evaluation conducted by the Office of Technological Assessment to assess the validity, fairness, accuracy, and utility of the data it produces. The report shall also describe the technical problems encountered and a description of what was learned about how to best implement and utilize data from the program.

"(3) The Executive Director of the Committee, in consultation with the Secretary, shall ensure that all personally identifiable information about students, their educational performance and their families and information with respect to individual schools shall remain confidential in accordance with the provisions of section 552 of title 5, United States Code. The data gathered under this subsection shall not be used to rank, compare, or otherwise evaluate individual students or individual schools. No individual may be included in the program without that individual's written consent. At least once every 3 years the Secretary shall remind participants in writing of their inclusion in the program.

"(d) AVAILABILITY OF AMOUNTS.—Of the amounts available pursuant to section 3(e) for each fiscal year for this part, there shall be available in each fiscal year not less than \$6,000,000 to carry out the provisions of this section. Of such amounts, the Committee shall use—

"(1) to support State occupational information coordinating committees for purposes of operating State occupational information systems and career information delivery systems, the greater of—

"(A) amounts appropriated or otherwise made available for that purpose for the fiscal year 1989; and

"(B) an amount equal to not less than 75 percent of the amounts available to carry out this section; and

"(2) for purposes of carrying out subsection (c)—

"(A) an amount equal to not less than 10 percent of the amounts available to carry out this section; or

"(B) if the amount remaining after carrying out paragraph (1) is insufficient to provide the amount described in subparagraph (A), such remaining amount."

(c) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to section 422 and inserting the following new item:

"Sec. 422. National occupational information coordinating committee."

SEC. 250B. INFORMATION BASE FOR APPLIED TECHNOLOGY EDUCATION DATA SYSTEM.

(a) GENERAL AUTHORITY.—Section 423 of the Act is amended to read as follows:

"SEC. 423. INFORMATION BASE FOR APPLIED TECHNOLOGY EDUCATION DATA SYSTEM.

"(a) INFORMATION RELATING TO SECONDARY STUDENTS WITH HANDICAPS.—The Secretary shall ensure that adequate information on access to applied technology education by secondary school students with handicaps is maintained in the data system established under section 421.

"(b) BASIS FOR INFORMATION.—The system shall include detailed information obtained

through scientific sample surveys concerning—

- "(1) types of programs available; and
- "(2) enrollment of students with handicaps by—

- "(A) type of program;
- "(B) type of instructional setting; and
- "(C) type of handicap.

"(c) STUDY.—The Secretary shall, by grant, contract, or cooperative agreement, conduct a study of the level and quality of participation in applied technology education programs by students with handicaps, including information concerning whether the courses taken by such students provide such students with occupationally specific skills."

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking the item relating to section 423 and inserting the following new item:

"Sec. 423. Information base for applied technology education data system."

SEC. 250C. BLUE RIBBON APPLIED TECHNOLOGY EDUCATION PROGRAMS.

(a) PROGRAM AUTHORIZED.—Part C of title IV of the Act (20 U.S.C. 2421) is amended by adding at the end the following new section:

"SEC. 424. BLUE RIBBON APPLIED TECHNOLOGY EDUCATION PROGRAMS.

"(a) DISSEMINATION OF INFORMATION AND MATERIALS.—The Secretary shall disseminate information and exemplary materials regarding effective applied technology education.

"(b) RECOGNITION PROGRAM.—The Secretary shall, in consultation with the National Center for Research in Applied Technology Education (hereafter in this section referred to as the 'National Center for Research'), the National Diffusion Network, and the Blue Ribbon Schools Program, carry out programs to recognize secondary and postsecondary schools or programs which have established standards of excellence in applied technology education and which have demonstrated a high level of quality, to be known as 'Blue Ribbon Applied Technology Programs'. The Secretary shall competitively select schools and programs to be recognized from among public and private schools or programs within the States and schools operated for Indian children by the Department of the Interior.

"(c) SELECTION PROCESS.—

"(1) The Secretary, in consultation with the National Center for Research and the National Occupational Information Coordinating Committee (hereafter in this section referred to as the 'Committee'), shall designate each fiscal year several categories of applied technology education in which Blue Ribbon Applied Technology Education Program will be named. Such categories shall include participation of special populations may include any of the following:

- "(A) Program improvement.
- "(B) Academic and occupational competencies.

"(C) Other categories determined by the Secretary in consultation with the National Center for Research and the Committee.

"(2) Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) The Secretary shall carry out the provisions of this section, including the establishment of the selection procedures, after

consultation with appropriate outside parties.

"(2) No award may be made under this section unless the local educational agency or appropriate State agency with jurisdiction over the school or program involved submits an application to the Secretary at such time and in such manner and containing such information as the Secretary may reasonably require."

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 423 the following new item:

"Sec. 424. Blue ribbon applied technology education programs."

SEC. 250D. MISCELLANEOUS PROVISIONS.

(a) IN GENERAL.—Part C of title IV of the Act (as amended by section 247) is amended by adding at the end the following new section:

"SEC. 425. MISCELLANEOUS PROVISIONS.

"(a) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this part. To ensure reasonable cost, the Secretary, in consultation with the Applied Technology Education Task Force, the National Center for Education Statistics, the Office of Vocational and Adult Education, and the National Occupation Information Coordinating Committee shall determine the methodology to be used and the frequency with which information is to be collected.

"(b) COOPERATION OF STATES.—All States receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this part."

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 424 the following new item:

"Sec. 425. Miscellaneous provisions."

SEC. 250E. REPEAL OF NATIONAL COUNCIL ON VOCATIONAL EDUCATION.

(a) IN GENERAL.—Part D of title IV of the Act (20 U.S.C. 2431) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1 of the Act is amended by striking—

- (1) the item relating to part D of title IV; and
- (2) the item relating to section 431.

SEC. 250F. DISTRIBUTION OF ASSISTANCE.

Section 451 of the Act (20 U.S.C. 2451) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), by striking "35" and inserting "30";
 - (B) in paragraph (2), by striking "35" and inserting "20"; and
 - (C) in paragraph (3), by striking "30" and inserting "50"; and
- (2) in subsection (b)—
 - (A) in paragraph (1), by inserting "and" after the semicolon;
 - (B) in paragraph (2), by striking "; and" and inserting a period; and
 - (C) by striking paragraph (3).

PART E—GENERAL PROVISIONS

SEC. 251. FEDERAL ADMINISTRATIVE PROVISIONS.

(a) ELIMINATION OF MATCHING REQUIREMENTS AND TRANSFER OF STATE PROVISION.—

(1) IN GENERAL.—Sections 502, 504, and 505 of the Act (20 U.S.C. 2462, 2465, 2466) are repealed.

(2) REDESIGNATIONS.—Sections 503 and 506 of the Act (20 U.S.C. 2463, 2466), are redesignated as sections 502 and 503, respectively.

(b) Section 502 of the Act (as redesignated by subsection (a)(2) of this section) is

amended by striking ", equaled or exceeded" and inserting "was not less than 95 percent of)".

(b) ISSUANCE OF REGULATIONS; OVERSIGHT.—Part A of title V of the Act (20 U.S.C. 2461 et seq.) is amended by adding at the end the following new sections:

"SEC. 504. ISSUANCE OF REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is compliance with the specific requirements and assurances required by this Act.

"(b) PROCEDURE.—

"(1) Before publishing proposed regulations pursuant to this Act, the Secretary shall convene regional meetings which shall provide comments to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this Act.

"(2) After holding regional meetings and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations under this Act and submit such regulations to a negotiated rulemaking process. The Secretary shall follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4, 'Procedures for Negotiating Proposed Regulations' (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the negotiation process shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The negotiation process shall be conducted in a timely manner in order that final regulations may be issued by the Secretary within the 240-day period required by section 431(g) of the General Education Provisions Act.

"(3) If a regulation must be issued within a very limited time period to assist State and local educational agencies with the operation of a program under this Act, the Secretary may issue a regulation without fulfilling the requirements of paragraphs (1) and (2), but shall immediately convene regional meetings to review the regulation before it is issued in final form.

"SEC. 505. REQUIREMENTS RELATING TO REPORTS, PLANS, AND REGULATIONS.

"(a) REPORTS.—Any report required by this Act shall not be subject to prior review or approval by the Office of Management and Budget.

"(b) RESEARCH AND PLANS.—Any research or evaluation plans, methodology, surveys, or findings developed pursuant to this Act shall not be subject to prior review or approval by the Office of Management and Budget.

"(c) REGULATIONS.—The final determinations made by the Office of Management and Budget regarding any regulations to be issued under this Act—

- "(1) shall be made in writing;
- "(2) shall include an explanation of such determinations; and
- "(3) shall be part of the public rule-making record.

"SEC. 506. OVERSIGHT OF PROGRAM FOR SINGLE PARENTS, HOMEMAKERS, AND DISPLACED HOMEMAKERS AND SEX EQUITY PROGRAM.

"Biennially, the Secretary shall—

"(1) determine if amounts spent by the States under paragraphs (4) and (5) of section 202 are being allocated, distributed, and used in accordance with the provisions of this Act; and

"(2) take appropriate action to correct any violation.

"SEC. 507. STATUTORY CONSTRUCTION.

"Nothing in this Act shall be construed to be inconsistent with appropriate Federal laws guaranteeing civil rights."

SEC. 252. STATE ADMINISTRATIVE PROVISIONS.

Title V of the Act (20 U.S.C. 2461 et seq.) is amended—

(1) by redesignating part B as part C; and
(2) by inserting after part A the following new part:

"PART B—STATE ADMINISTRATIVE PROVISIONS

"SEC. 511. AUDITS.

"Each State shall obtain financial and compliance audits of any funds which the State receives under this Act. Such audits shall be made public within the State on a timely basis. Audits shall be conducted at least every 2 years and shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.

"SEC. 512. REVIEW OF REGULATIONS.

"(a) **ESTABLISHMENT OF REVIEW COMMITTEE.**—Except as provided in subsection (b), before any State publishes any proposed or final state rule or regulation pursuant to this Act, the State shall establish and convene a State Committee of Practitioners (hereafter in this section referred to as the 'Committee') for the purpose of reviewing such rule or regulation. The Committee shall be selected from nominees solicited from State organizations representing school administrators, teachers, parents, members of local boards of education, and appropriate representatives of institutions of higher education. The Committee shall consist of—

"(1) representatives of local educational agencies, who shall constitute a majority of the members of the Committee;

"(2) school administrators;

"(3) teachers;

"(4) parents;

"(5) members of local boards of education; and

"(6) representatives of institutions of higher education.

"(b) **LIMITED EXCEPTION.**—In an emergency, where a regulation must be issued within a very limited time period to assist local educational agencies with the operation of a program, the State may issue a regulation without fulfilling the requirements of subsection (a), but shall immediately convene the Committee to review the regulation before it is issued in final form.

"SEC. 513. IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS.

"Any State rule or policy imposed on the administration or operation of programs funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guideline, shall be identified as a State imposed requirement.

"SEC. 514. JOINT FUNDING.

"(a) **GENERAL AUTHORITY.**—Funds made available to States under this Act may be used to provide additional funds under an applicable program if—

"(A) such program otherwise meets the requirements of this Act;

"(B) such program does not require that such funds be provided from non-Federal sources; and

"(C) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(b) **APPLICABLE PROGRAMS.**—For the purposes of this section, the term 'applicable program' means any program under any of the following provisions of law:

"(1) The Adult Education Act.

"(2) The Job Training Partnership Act.

"(3) The Rehabilitation Act of 1973.

"(4) The Wagner-Peyser Act.

"(c) **ISSUANCE OF REGULATIONS.**—Notwithstanding the provisions of section 504, the Secretary shall develop regulations to be issued under this section in consultation with the Secretary of Labor and the Secretary of Health and Human Services.

"(d) **USE OF FUNDS AS MATCHING FUNDS.**—For the purposes of this section, the term 'additional funds' includes the use of funds as matching funds.

"SEC. 515. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

"No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from 1 State to another State if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"SEC. 516. STATE ADMINISTRATIVE COSTS.

"For each fiscal year for which a State receives assistance under this Act, the State shall provide from non-Federal sources for costs the State incurs for administration of programs under this Act an amount that is not less than the amount provided by the State from non-Federal sources for such costs for the preceding fiscal year."

SEC. 253. DEFINITIONS.

Section 521 of the Act (20 U.S.C. 2471) is amended—

(1) by striking paragraphs (31) and (32);

(2) by redesignating paragraphs (27) through (30) as paragraphs (33) through (36), respectively;

(3) by redesignating paragraphs (22) through (26) as paragraphs (27) through (31), respectively;

(4) by redesignating paragraph (21) as paragraph (25);

(5) by striking paragraph (20);

(6) by redesignating paragraphs (14) through (19) as paragraphs (19) through (24), respectively;

(7) by redesignating paragraph (13) as paragraph (16);

(8) by redesignating paragraphs (2) through (12) as paragraphs (4) through (14), respectively;

(9) by inserting after paragraph (1) the following new paragraphs:

"(2) The term 'applied technology education' means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order, reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term includes any program that fits the definition of a vocational education program contained in paragraph (31) of section 521 of the Carl D. Perkins Vocational Education Act as in effect on the day before the date of the enactment of the Applied Technology Education Amendments of 1989.

"(3) The term 'applied technology student organizations' means those organizations for individuals enrolled in applied technology education programs which engage in activities as an integral part of the instructional program. Such organizations may have State and national units which aggregate the work and purposes of instruction in vocational education at the local level. Such term includes any organizations that fit the definition of vocational student organizations contained in paragraph (32) of section 521 of the Carl D. Perkins Vocational Education Act as in effect on the day before the date of the enactment of the Applied Technology Education Amendments of 1989."

(10) in paragraph (5) (as redesignated by paragraph (8) of this section), by adding at the end the following new sentence: "The term includes any program that fits the definition of an area vocational education school contained in paragraph (3) of this section as in effect on the day before the date of the enactment of the Applied Technology Education Amendments of 1989."

(11) in paragraph (14) (as redesignated by paragraph (8) of this section)—
(A) in the first sentence—
(i) by striking "handicapped individuals" and inserting "individuals with handicaps"; and
(ii) by striking "or academic"; and
(B) by amending the second sentence to read as follows: "Such term includes any individual who is determined to be economically disadvantaged for purposes of the Job Training Partnership Act."

(12) by inserting after paragraph (14) (as redesignated by paragraph (8) of this section) the following new paragraph:

"(15) The term 'displaced homemaker' means an individual who—

"(A) is an adult; and

"(B)(i) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills;

"(ii) has been dependent on public assistance or on the income of a relative but is no longer supported by that income;

"(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under the Aid to Families With Dependent Children Program within 2 years of the parent's application for assistance under this Act; or

"(iv) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or suitable employment, as appropriate."

(13) by inserting after paragraph (16) (as redesignated by paragraph (7) of this section) the following new paragraphs:

"(17) The term 'economically disadvantaged family or individual' means such families or individuals who are determined by the Secretary to be low-income according to the latest available data from the Department of Commerce.

"(18) The term 'general occupational skills' means experience in and understanding of all aspects of the industry the student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues."

(14) by inserting after paragraph (25) (as redesignated by paragraph (3) of this section) the following new paragraph:

"(26) The term 'preparatory services for applied technology education' means services, programs, or activities designed to assist individuals who are not enrolled in an applied technology education program in selection of or preparation for the participation in an appropriate applied technology education or training program. Such services may include—

"(A) services, programs, or activities related to outreach to or recruitment of potential applied technology education students;

"(B) career counseling and personal counseling;

"(C) applied technology assessment and testing; and

"(D) other appropriate services, programs, or activities."

(15) in subparagraph (B) of paragraph (30) (as redesignated by paragraph (3) of this section)—

(A) by inserting "(i)" after "(B)";

(B) by striking the period and inserting "; or"; and

(C) by adding at the end the following new clause:

"(ii) is pregnant."; and

(16) by inserting after paragraph (31) (as redesignated by paragraph (3) of this section) the following new paragraph:

"(32) The term 'special populations' includes individuals with handicaps, disadvantaged individuals, individuals of limited English proficiency, and foster children on whose behalf State or local governmental payments are made."

SEC. 254. CLERICAL AMENDMENT.

The table of contents contained in section 1 of the Act is amended by striking the item relating to title V and all that follows and inserting the following:

"TITLE V—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"Sec. 501. Payments.

"Sec. 502. Maintenance of effort.

"Sec. 503. Authority to make payments.

"Sec. 504. Issuance of regulations.

"Sec. 505. Requirements relating to reports, plans, and regulations.

"Sec. 506. Oversight of program for single parents, homemakers, and displaced homemakers and sex equity program.

"Sec. 507. Statutory construction.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"Sec. 511. Audits.

"Sec. 512. Review of regulations.

"Sec. 513. Identification of state-imposed requirements.

"Sec. 514. Joint funding.

"Sec. 515. Prohibition on use of funds to induce out-of-state relocation of businesses.

"Sec. 516. State administrative costs.

"PART C—DEFINITIONS

"Sec. 521. Definitions."

SEC. 255. TRANSITION PROVISIONS.

(a) REGULATIONS.—All orders, determinations, rules, regulations, permits, grants, and contracts which have been issued by the Secretary under the Carl D. Perkins Vocational Education Act, or which are issued under such Act on or before the date of the enactment of the Applied Technology Education Amendments of 1989, shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(b) TRANSITION.—With respect to the period beginning on July 1, 1989, and ending June 30, 1990, no recipient of funds under the

Carl D. Perkins Vocational Education Act or the Carl D. Perkins Applied Technology Education Act shall be held to have expended such funds in violation of the requirements of either of such Acts if such funds are expended in accordance with the requirements of either of such Acts.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. WATKINS

Mr. WATKINS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: On page 60, line 17, after the word "shall" insert "(A)", and on line 19, delete the "." and add the following: ", and (B) provide a relative percentage of such local educational agency's allocation pursuant to section 201(a)(1) to such area school based on such area school's relative percentage of such local educational agency's applied technology education students who are students with handicaps, disadvantaged students, and limited English proficient students."

Mr. WATKINS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, we have examined the amendment and have no problem with it on this side.

Mr. WATKINS. Madam Chairman, I appreciate the remarks of the gentleman from Pennsylvania.

Mr. HAWKINS. Madam Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from California.

Mr. HAWKINS. Madam Chairman, we have no objection to the amendment.

Mr. WATKINS. Madam Chairman, I appreciate the gentleman from California and also the ranking member from Pennsylvania for their willingness to work with me, and I would like to make this remark: I have long been a strong supporter of vocational/technical education in total, and I want to continue to be so, but there is some language that we have deep concern about in Oklahoma, and the purpose of my amendment would be to require those funds to be actually transferred from the local education agency to the area vocational school which happens to be a legal entity in Oklahoma and also a legal taxing entity.

Without any further debate and with the chairman accepting the amendment and along with the acceptance of the ranking Republican member on the committee, I appreciate their cooperation.

I will reserve my final action on the bill and conference report to a later

date depending on how we handle this particular phase of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. WATKINS].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA: Strike line 6 on page 61 and all that follows through line 9 on page 62 and insert the following:

"(c) LIMITATION.—

"(1)(A) In the first fiscal year in which amounts are allocated under this section, no local educational agency or eligible institution shall be allocated under this section an amount equal to less than 85 percent of the average of its allocation percentage for each of the 3 years preceding the fiscal year for which the allocation is made.

"(B) In the second fiscal year in which amounts are allocated under this section and for each of the 2 succeeding fiscal years, no local educational agency or eligible institution shall be allocated under this section an amount equal to less than 85 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the allocation is made.

"(C) If the amount received by the State for any fiscal year is not sufficient to provide to each local educational agency and eligible institution within the State an amount equal to the amount described in subparagraph (A) or (B), as appropriate, the amounts allocated to each such agency and institution shall be ratably reduced.

"(2) For purposes of this subsection, the term 'allocation percentage' means the percentage which a local educational agency or eligible institution received of the total amount allocated pursuant to this section or allotted under the Carl D. Perkins Vocational Education Act, as in effect on the day before the date of the enactment of the Applied Technology Education Amendments of 1989, to all agencies and institutions within the State.

Mrs. ROUKEMA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

□ 1620

Mrs. ROUKEMA. Madam Chairman, I offer an amendment to extend the hold harmless provisions of title II, section 201(c) of H.R. 7, as reported by the Committee on Education and Labor.

I offer this amendment because H.R. 7 will make fundamental changes in the formula used to determine allocations of funds. While I support its intent, which is to direct more Federal dollars to the areas most in need of Federal assistance, the fact is that this new formula will significantly affect the funding levels of local education agencies. Nevertheless, there are no

State-by-State data runs to show within-State, district-by-district or institution-by-institution allocations to judge the effects of the new formula. Since we do not have this information, we cannot know the true impact of the new formula. Who wins and who loses? Let me emphasize that my amendment is not intended to thwart the reforms and benefits of H.R. 7. It is intended to permit local agencies the time to adjust and plan for ways to absorb the shock of reduced funding.

My amendment proposes to extend the hold harmless period in the bill from 2 years to 4 years and includes a rolling 85-percent allocation to those local education agencies that, because of the new allocation formula, will suffer large cuts to the amount of Federal vocational education funds they receive. The intent of my amendment is to allow for a more orderly and smoother phase-in of the new formula. A 4-year period will give local education agencies a chance to assess the exact amount of Federal funding cuts they should anticipate and develop plans to compensate for these decreases in funding.

For the first year of my hold-harmless proposal, no local education agency would receive less than 85 percent of the average annual allocation it received over the past 3 years. In the second, third and fourth years, each local agency is guaranteed to receive no less than 85 percent of the amount allocated to it in the preceding fiscal year. After the fourth year, the new formula would be in full effect.

In addition, let me stress that those that have not received Federal funds in the past 3 years will not be barred and can qualify under my amendments.

I believe adoption of this amendment is necessary in order to mitigate the impact that the new allocation formula could have on many of our congressional districts. The fact is that no reliable figures are available to reflect the cuts, or increases, our districts could face. It is important that we pass legislation which contains real safeguards against drastic changes in the allocation of Federal funds. My amendment offers those safeguards while allowing the new formula to be in effect for 1 full year before reauthorization comes up again in 1995. I believe this is the prudent approach to adopt when implementing such a fundamental change to the formula used to allocate Federal funds to the States.

I urge my colleagues to accept this reasonable approach to phasing in the new formula and vote for my amendment.

Mr. WILLIAMS. Madam Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Madam Chairman, I want to commend the gentlewoman

from New Jersey for her concern, and particularly to bring to the attention of Members the fact that many Members have expressed concern for what the gentlewoman is here trying to address. That is what will this formula, the distribution formula in this new vocational education reform bill, do to vocational education in their district or State. That is, will certain regions or certain schools be winners or losers. The amendment of the gentlewoman from New Jersey is an effort to mitigate against any significant shift intrastate in the funding.

As the gentlewoman knows, the original bill included my proposal to have a 75-percent hold-harmless provision which would run for several years. The gentlewoman's amendment increases that to 80 percent.

The CHAIRMAN. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has expired.

(On request of Mr. WILLIAMS and by unanimous consent Mrs. ROUKEMA was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. Madam Chairman, if the gentlewoman will continue to yield, I might ask her a question. Do I understand correctly that the gentlewoman's 80-percent cap would run for 3 years?

Mrs. ROUKEMA. No; my amendment is for 4 years with an 85-percent cap. There has been some suggestion by others that they could see a compromise here. I believe what I am proposing here at this point is a fair and equitable compromise, and it does take off on the proposal the gentleman from Montana made, which was accepted in committee, and was a fine movement in the right direction. I am extending the principle that the gentleman from Montana established in extending it for 4 years.

Mr. WILLIAMS. If the gentlewoman will continue to yield, do I understand correctly that the gentleman from Pennsylvania [Mr. GOODLING] may have a compromise amendment here between what we had in the original bill and the gentlewoman's amendment?

Mrs. ROUKEMA. I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. The gentleman is correct.

Mr. WILLIAMS. In that instance I also want to commend in advance the gentleman from Pennsylvania, and again want to draw attention of our colleagues who are concerned that regions within their districts, or their States, schools within their States may lose money under this bill. If the gentlewoman from New Jersey's amendment prevails, it will go a long way to preventing that, and if the compromise prevails, which I expect it will, it too will be an improvement.

So this should enhance, it seems to me, the bill's chances of support, and should relieve many Members of the anxieties that they are now experiencing because they are not sure whether or not this legislation is going to cost their vocational education schools dollars.

The CHAIRMAN. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has again expired.

(By unanimous consent Mrs. ROUKEMA was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Madam Chairman, I also want to stress in conclusion that this does not affect the reform of the set-aside program. It is simply a phase in, and it does not adversely affect, either bar or disqualify under what might have been a technical oversight, those communities that maybe over the last 3 years have received no funding. That is accommodated here. Any community, whether they have received funding over the last 3 years or not, will qualify under my amendment for funding under the new formula and have it phased in over a 4-year period.

AMENDMENT OFFERED BY MR. GOODLING AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MRS. ROUKEMA

Mr. GOODLING. Madam Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING as a substitute for the amendment offered by Mrs. ROUKEMA: Strike line 6 through line 25 on page 61 and insert the following:

“(C) LIMITATION.—

“(1)(A) In the first fiscal year in which amounts are allocated under this section, no local educational agency or eligible institution shall be allocated under this section an amount equal to less than 80 percent of the average of its allocation percentage for each of the 3 fiscal years preceding the fiscal year for which the allocation is made.

“(B) In the second and third fiscal year in which amounts are allocated under this section, no local educational agency or eligible institution shall be allocated under this section an amount equal to less than 80 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the allocation is made.

“(C) If the amount received by the State for each of the fiscal years described in subparagraph (A) or (B) is not sufficient to provide to each local educational agency and eligible institution within the State an amount equal to the amount described in subparagraphs (A) and (B), the amounts allocated to each such agency and institution shall be ratably reduced.

Mr. GOODLING (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Madam Chairman, if I had my preference, I would not alter the package at all, primarily because I really believe the way to prevent change from taking place is to also have hold harmless, and then basically continue doing the same, and the same, and the same.

However, in the spirit of compromise, I do offer an amendment with which I believe the chairman will agree. It would basically say this: "In the first fiscal year in which amounts are allocated under this section, no local educational agency or eligible institution shall be allocated under this section an amount equal to less than 80 percent of the average of its allocation percentage for each of the 3 fiscal years preceding the fiscal year for which the allocation is made."

Then second, we take it down over a 3-year period; that is, 80 percent, and then 80 percent of that 80 percent the second year, and then 80 percent of that 80 percent the third year.

□ 1630

The purpose of the provision is to provide a rolling hold harmless at 80 percent for 3 years, 3 fiscal years. The amendment changes Mrs. ROUKEMA's amendment by reducing the percentage from 85 percent to 80 percent and from 5 fiscal years to 3 fiscal years. I would hope we could agree to this and in a spirit of compromise and bring about the necessary changes.

Mr. HAWKINS. Madam Chairman, will the gentleman from Pennsylvania yield?

Mr. GOODLING. I yield to the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. I thank the gentleman for yielding.

Madam Chairman, I agree with the rationale of the gentleman from Pennsylvania. Personally, I do not agree that the reduction of the amount from 85 to 80 percent or reducing the years—that is, increasing the years, as has been done, above the 2 and decreasing the percentage from 85 to 80 percent—is in the right direction. However, in the spirit of compromise, since we have demonstrated that spirit up to this point, I would be very willing to accept and to agree to support the Goodling substitute.

Mr. PEASE. Madam Chairman, will the gentleman from Pennsylvania yield?

Mr. GOODLING. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

Madam Chairman, I would like to express my support for the substitute of the gentleman from Pennsylvania.

It is amazing to me what compromise can do.

I was concerned about the very issue that Mrs. ROUKEMA brings to our attention as I had read through reports

of the bill. In the process of doing that I thought 2 years was not enough of an adjustment time, 2 years being what the committee recommended.

Then when I saw Mrs. ROUKEMA's amendment at 4 years, I thought that was a bit long considering the whole bill is only 5 years.

It occurs to me that 3 years is just about right.

Madam Chairman, I commend the gentleman from Pennsylvania and I am happy to support his amendment.

Mrs. ROUKEMA. Madam Chairman, will the gentleman from Pennsylvania yield?

Mr. GOODLING. I yield to the gentleman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Madam Chairman, I would like to, before concluding this very special love feast that we are having here, I would like to ask a question for the legislative record and also for my own clarification.

Madam Chairman, in considering the proposed compromise of the gentleman from Pennsylvania it is my understanding that in the language that he has here, there would, first, be nothing that would preclude small communities who may not have qualified in the last 3 years for funding? There would be nothing precluding them for funding under the formula over the next 3 years or the term of the authorization.

Mr. GOODLING. The gentlewoman is correct.

Mrs. ROUKEMA. Second, those communities that without this hold-harmless provision would receive what some might call a windfall or at least a substantial infusion of funds above and beyond what they got in the previous formula, those communities would also be phased in, in a sense, in terms of the amounts of money that they would increase in the formula in any given year.

Mr. GOODLING. Madam Chairman, I would have to get some clarification.

Mrs. ROUKEMA. That causes me considerable concern and I think it is a concern also in terms of how ultimate appropriations would deal with this issue.

Mr. GOODLING. Is the gentlewoman saying that if this district got \$7,000 under the present formula and would get \$11,000 under the new formula, is the gentlewoman from New Jersey saying that they would be phased in, somehow 80 and 80 to get up to \$11,000? Is that what the gentlewoman is saying?

Mrs. ROUKEMA. Possibly yes.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 2 additional minutes.)

Mrs. ROUKEMA. Madam Chairman, would the gentleman yield further?

Mr. GOODLING. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding further.

Madam Chairman, for example, we have one of the gentleman's CRS analyses which have been done where there is a community that would receive a 46-percent increase in the first year, and another one that receives a 118-percent increase in the first year. How would they be handled under the formula of the gentleman from Pennsylvania? Would they immediately jump to the 118-percent increase in the first year or would there be a phase-in there?

Mr. GOODLING. They have to deal with the hold harmless first and after you have dealt with the hold harmless then you move ahead and do the new formula.

Let me just indicate, for instance, in my own district in Pennsylvania, in Pennsylvania they send vocational education money to intermediate units, they send vocational education money locally, and they send vocational education money to area vocational technical schools. So it will appear to be a tremendous increase to the local district but it is basically coming from the other two sources so that it does not get to be additional money for the area of vocational technical school because the money, divided into three pots, now becomes a single pot.

Mrs. ROUKEMA. But as far as an appropriation is concerned you would have to deal with the hold-harmless first in this situation.

Mr. GOODLING. That is right.

Mrs. ROUKEMA. I thank the gentleman.

Madam Chairman, the gentleman has satisfied my question.

Mr. NIELSON of Utah. Madam Chairman, I move to strike the requisite number of words and would like to engage in a colloquy with the maker of the original amendment, the gentlewoman from New Jersey [Mrs. ROUKEMA].

In the amendment of the gentleman from New Jersey [Mrs. ROUKEMA] the first year would be at 85 percent, the next year 72 percent, then the next 61 percent, and then 51 percent. Under the Goodling substitute it is 80 percent the first year, 64 the second year, and 51 the third year.

My question is: Is the gentlewoman willing to accept the lower figures of the Goodling amendment?

Mrs. ROUKEMA. Madam Chairman, would the gentleman from Utah yield?

Mr. NIELSON of Utah. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Madam Chairman, at the appropriate time I think I have indicated in

the colloquy and discussion with Mr. GOODLING here, yes, with the clarifications that we have just had concerning how the application of the hold-harmless provision is applied to all districts, whether they gain or lose under this formula. I think with that understanding I would be very happy to accept the compromise that the ranking member and the chairman, assuming that the chairman of the committee is in agreement here.

Mr. NIELSON of Utah. I do not like to make waves but I do not like the compromise at all because we do not know what is going to happen with the various congressional districts. They have not done that. They have taken pride in saying we are not going to let each district know how they are going to fare. I think with districts that drop to 51 percent, the second year may be in very bad shape. I would much prefer the 85 percent of the gentlewoman from New Jersey and 80 percent.

Mrs. ROUKEMA. I would much prefer my 85 percent as well over a 4-year period. But I am not so sure that we could prevail in that situation.

I think all things considered that we have done the best possible jobs for the districts within our States.

Mr. GOODLING. Madam Chairman, would the gentleman from Utah yield?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding.

Madam Chairman, I think it is important that we really focus on how much money we are talking about.

We are talking about peanuts. More than 50 percent of the districts get less than \$8,000.

Mr. NIELSON of Utah. But 51 percent is a lot less than 61 percent.

Mr. GOODLING. \$8,000 is all they get to fill out 7 applications. They probably have to hire someone at \$20,000 in order to get the \$8,000.

What we are trying to do is say, "Hey, that is nonsense. Why don't we give you the money with one application. You don't have to hire an expensive person."

Mr. NIELSON of Utah. The gentleman is missing my point. My point is if you are dropping the 80 percent per year you are dropping it pretty fast, 2 years later you are down to 51 percent.

Mr. GOODLING. But if you take the \$8,000, 80 percent of that is 64, and then take 80 percent of the 64—

Mr. NIELSON of Utah. 51 or 52 percent.

Mr. GOODLING. Again you are talking about so little money that I cannot imagine that the school is going to collapse.

Mr. NIELSON of Utah. Well, if the money is so little why does the gentleman drop it at all? Why does he not leave it at the present value until we

have an opportunity to evaluate the needs?

Mr. GOODLING. If I had my way, I would not have offered a compromise because I believe the way you kill any improvement in anything is just to say hold harmless.

In my opening remarks I made the statement that we have, always, the formula driving the program. The program should be driving the formula.

We should be looking at the program, not the formula. I do not make money on these deals because, of course, my district is somewhat affluent or average or middle income.

□ 1640

But we have to look at where, as a matter of fact, the need is, and the need is not necessarily there.

Mrs. ROUKEMA. Madam Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yielding. I have great understanding of the point the gentleman is making here, and of course, it was the reason for my original amendment. I do, however, understand that the reality of the situation here both among the committee members and among the membership at large. I think this is the best equitable arrangement that we can make. I agree with the gentleman that for some small communities that marginal difference, contrary to my good friend from Pennsylvania, that difference in the reduction could be extremely significant for that school district, but I think we have done the best that we can here.

I am appreciative of the fact that the chairman and the ranking members, who have been so opposed to any hold harmless provision, have been willing to accommodate the concerns of those Members from districts like mine and States like mine where by the way we do an excellent job in distributing vocational funds.

Mr. NIELSON of Utah. I simply say it seems like the hold harmless 85 percent is good. We have done that with highway funds. Then we had the formula changed on housing. We have taken a careful look at how it affects districts and make sure no district is devastated, even though the amendments are small, and I know the gentlewoman from New Jersey is happy to support it because she cannot get the other one, but I do think we are moving in the wrong direction.

Mr. GUNDERSON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I do not want to extend this intraparty dispute any further than it has already gone, but I want to simply share with both the gentleman from Utah and the gentle-

woman from New Jersey that I was strongly encouraged both to take the compromise that has been offered, because if they do not do that, some Members will rather aggressively fight their amendment.

I would call to the attention of my colleagues on both sides of the aisle, understand the formula in the bill. The formula in the bill says that for secondary schools 70 percent of the money will be based on the number of poor students, 20 percent will be based on the number of handicapped students and 10 percent will be based on the total enrollment. Now, what is unfair about that? It might change what some districts are getting, but we are directing the money based on need. Is that not where it ought to go?

I have schools that will be winners and I have schools that will be losers, but we are directing the money based on need. For postsecondary, 70 percent of the money will be based on Pell grants and Bureau of Indian Affairs assistance recipients, 20 percent will be based on the number of vocational rehabilitation students, and 10 percent on enrollment. Again, what is wrong with that? It is a fair formula based on financial need.

If we had all kinds of money, we could give every school district, rich and poor, need or not needy, all kinds of basic grant assistance. We are dealing with priorities. We are dealing with the concept in this legislation that we need to empower those people most in need of education, training and assistance, the disadvantaged and the handicapped, et cetera, and let us make sure our funding formula tracks that.

Mr. PERKINS. Madam Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank my distinguished colleague and friend from the great State of Wisconsin, but I would like to talk briefly concerning this. I share his feelings. In fact, I would not have gone nearly as far as quickly as the distinguished chairman and my good friend [Mr. GOODLING], ranking member have gone in terms of compromise on this issue, because if we indeed do have a good formula, as I truly believe we do, why are we taking 3 years, 4 years out of 5, to get to the point where that formula is finally going to be in effect? At this juncture we will agree with the compromise, but certainly a number of Members have grave problems that we are going this far.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] as substitute for the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The amendment offered by a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mrs. ROUKE-MA], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: Page 131, line 22, strike the closing quotation marks and the second period.

Page 131, after line 22, insert the following new section:

"SEC. 508. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

"(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

"(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials or supplies required of all students in the same course of study; and

"(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution."

Page 141, in the items following line 12, insert after the item relating to section 507 the following new item:

"Sec. 508. Student assistance and other Federal programs.

Mr. MILLER of California (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUNDERSON. Madam Chairman, I reserve a point of order against the amendment. I am researching it until we can get a clarification from other members on the Committee on Agriculture. If they do have a problem, I want to protect their rights.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. MILLER of California. Madam Chairman, this is an amendment to exclude as income from Federal program eligibility, financial aid to students, assistance of dependent care received under the Perkins Act that we now have under consideration on the floor. Under current law many Federal programs count such assistance in determining income eligibility and therefore forcing women to choose between

receiving a decrease in Federal program allotment for attending a job training program which could make them economically self-sufficient.

This is contrary to the Perkins program's stated purpose in bringing more women in vocational education system and not the result we intended when we passed the act in 1984. This amendment mirrors the language of the Higher Education Act to exclude such financial aid in determining income eligibility and requires the additional exclusion and dependent care as well.

This exclusion would have a significant impact on those able to benefit from this program, and I would urge the consideration. Let me say that this amendment has been checked both with the Committee on Agriculture and the Committee on Ways and Means, and the Committee on Ways and Means signed off on this. My understanding is that the gentleman from Missouri [Mr. EMERSON], the ranking minority member on the Committee on Agriculture, has a problem with it. It is my expectation to go and discuss that with him immediately and see if that could not be resolved, and I ask that the committee would accept the amendment.

Mr. GOODLING. Madam Chairman, I move to strike the requisite number of words.

I am stalling for time. We have a concern because of the naming of conferees and whether that means the Committee on Agriculture or the Committee on Ways and Means.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MILLER of California. It was my full expectation to immediately go see the gentleman from Missouri [Mr. EMERSON] and the gentleman from Texas [Mr. DE LA GARZA] to see if that can be resolved. If it cannot, I expect it will be stricken.

Mr. GOODLING. Our problem is, as I understand it, once this is adopted and the Speaker automatically has to appoint the conferees.

Mr. HAWKINS. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. HAWKINS. I have two letters addressed to the chairman of the committee, one from the gentleman from Illinois [Mr. ROSTENKOWSKI] which waives jurisdiction, the other letter from the chairman of the Committee on Agriculture the gentleman from Texas [Mr. DE LA GARZA], which indicates it is not his intention to waive the committee's jurisdiction over the Food Stamp Program, should this legislation go to conference. The Committee on Agriculture intends to request to be included as conferees on this and on any other provisions affecting a

program within this committee's jurisdiction referring to the Committee on Agriculture.

□ 1650

I think the information should be made available to the Members at this time, and it is for that purpose I do this. This is not in any way to speak derogatorily to the merit of the amendment but rather to the process and the procedure that would follow. I would assume from this that the gentleman from Texas [Mr. DE LA GARZA] does insist on having conferees appointed from his committee along with those from the Committee on Education and Labor.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, if I might, let me thank the gentleman from California [Mr. HAWKINS] for those comments.

I would say that we did in fact adopt this same amendment in 1986, and I think it does have a very important impact on this legislation. We have taken a number of different steps in this Congress to see whether or not we can build a series of programs that will take people out of public assistance and give them the opportunity to pursue an education that will lead them to entry level jobs or to job training that will allow them to employ or change the skills they need as economic conditions change in various communities.

That is what this legislation is directed at. That is what the Perkins Amendment does. We did that last year in welfare reform when there was a very strong consensus in the country that we should change the direction of a number of these programs. We should no longer set up barriers to individuals seeking to get off public assistance.

That is what many of the Members have discussed in our own committee, with the earned income tax credit, with child care, and with other programs such as that, programs that would allow us to do that.

I believe this amendment is consistent. We made the same determination in the Higher Education Act. There again we wanted an incentive for people to pursue that education and not drop out because of the fact that we decided that somehow we were not going to impute income to them because of that educational experience. That is what this amendment addresses.

Madam Chairman, I also want to say that I appreciate the cooperation of the committee chairman, the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Illinois [Mr. ROSTENKOWSKI], as well as that of the

gentleman from Missouri [Mr. EMERSON].

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 5 additional minutes.)

Mr. GOODLING. Madam Chairman, I take this time to indicate that I think I made a mistake in that I said the Speaker would have to appoint conferees from the other two committees. I think I should have said that the Speaker could appoint conferees rather than that he would have to appoint conferees.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the chairman of the committee.

Mr. HAWKINS. Madam Chairman, I thank the gentleman for yielding.

May I direct a question to the gentleman from California [Mr. MILLER], the author of the amendment?

Mr. MILLER of California. Certainly, if the gentleman from Pennsylvania will yield.

Mr. GOODLING. I yield to the gentleman from California.

Mr. HAWKINS. Madam Chairman, it was my understanding that the gentleman from California [Mr. MILLER] indicated that if this amendment proved troublesome in terms of the appointment of conferees, he would agree to dropping the amendment in order to ease that discomfort we might suffer?

Mr. MILLER of California. Yes. There is no intent here to try to hold up the progress of the bill. I think that both the gentleman from Missouri [Mr. EMERSON] and the gentleman from Texas [Mr. DE LA GARZA] have been very fair. They have been working with it. The chairman of the committee indicated he does not have any problem with it. The gentleman from Missouri [Mr. EMERSON] has indicated that he wants to take a closer look at it.

It was my intent to try to see the gentleman from Missouri this afternoon or tomorrow morning to work this out or see if it can be worked out. If it cannot, then I would expect the committee would certainly have the right to strike this from the bill.

Mr. HAWKINS. Then the understanding I had with the gentleman still holds?

Mr. MILLER of California. Yes, that is correct.

Mr. HAWKINS. So we are now discussing the process and not the amendment itself?

Mr. MILLER of California. The gentleman is correct.

Mr. GOODLING. Let me see if I can try to understand what this means.

Mr. HAWKINS. Madam Chairman, if the gentleman will yield further and

so my understanding is clear, perhaps the author of the amendment, the gentleman from California [Mr. MILLER] would proceed to explain what his intent is with respect to conferees.

Mr. MILLER of California. Madam Chairman, if the gentleman from Pennsylvania will yield further, it is my intent that should we not be able to work out the problem with the gentleman from Missouri [Mr. EMERSON], assuming that that creates a problem with the appointment of conferees, we will agree that this amendment would immediately be stricken in conference, so we would not have to deal with the issue of conferees. The Committee on Agriculture would then be protected, and we would have to deal with this matter the next time.

Mr. GOODLING. That would take place when the conference begins; is that what the gentleman is saying?

Mr. MILLER of California. We would have to give that assurance before the conferees are appointed. We are working on a short time schedule here. That would fully protect the rights of the gentleman from Missouri [Mr. EMERSON].

Mr. GUNDERSON. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Madam Chairman, if I may appeal to the chairman and to the gentleman from California [Mr. MILLER], if they can be a little bit patient, I understand that the gentleman from Missouri [Mr. EMERSON] is coming over here, and if we can have a colloquy on this, it is my understanding also that it is going to be found acceptable.

Frankly, Madam Chairman, we have been trying to buy a little bit of time. Perhaps what we can do is proceed in this way: If the gentleman from California would temporarily withdraw the amendment, he could then offer the amendment again as soon as the gentleman from Missouri [Mr. EMERSON] arrives on the floor.

Mr. MILLER of California. Certainly, I could do that. Madam Chairman, I see that the gentleman from Missouri [Mr. EMERSON] is here now.

Mr. GUNDERSON. Perhaps we might give them a second before we go ahead.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] still has the time. The gentleman has 2 minutes remaining.

Mrs. LOWEY of New York. Madam Chairman, will the gentleman yield?

Mr. GOODLING. Yes, I am happy to yield to the gentlewoman from New York while we are waiting for Mr. EMERSON.

Mrs. LOWEY of New York. Madam Chairman, I am particularly concerned with institutions which have students who may be eligible for Pell

Grants but due to technical limitations in the Pell Grant Program are not receiving them. If there are such students, the institutions which serve them will not receive their fair share of the funds under H.R. 7.

I look forward to working in the conference to perfect the legislative language to insure that the institutions which serve such low-income students will receive the resources necessary to provide them with excellent technological education.

Mr. GOODLING. Madam Chairman, we would certainly be happy to look at the concerns of the gentlewoman from New York [Mrs. LOWEY]. I am not sure we totally understand them. When we get to conference, we can certainly take care of this situation.

Mrs. LOWEY of New York. Madam Chairman, I thank the gentleman.

Madam Chairman, I submit with my remarks the following materials:

STATE UNIVERSITY OF NEW YORK,
WESTCHESTER COMMUNITY COLLEGE,
Yonkers, NY, May 5, 1989.
Congresswoman NITA M. LOWEY,
Longworth House Office Building, Wash-
ington, DC.

DEAR CONGRESSWOMAN LOWEY: I am writing to express my concern about the H.R. 7 Technology and Technical Amendments of 1989 to the Carl D. Perkins Act. Under the proposed amendments institutions serving a large segment of New York State's disadvantaged adult students will no longer enjoy eligibility for VEA funds.

The formula for distributing adult/post-secondary funds under the amendments will be based on the enrollment of Pell Grant recipients and/or Rehabilitation Act recipients. By this formula the nine New York State University Educational Opportunity Centers (EOC's) will lose eligibility to participate in the VEA program. The EOC's were created by the State University in 1973 to provide free education and vocational training to disadvantaged adults, age 17 and over. All enrollees in the EOC network must meet income guidelines established by the State Education Department, and most EOC students are welfare recipients or unemployed persons.

The nine EOC's are currently serving some 12,500 adult students annually. Located in the most deeply troubled urban areas of the State, their mission is to help persons who have been living lives of welfare dependency, to achieve marketable job skills or to reach academic levels enabling them to enroll in higher education.

Because these institutions are not degree granting—they generally award certificates of program completion—students do not qualify for Pell Grants, and few enrolled students would be eligible for Rehabilitation Act grants. As a consequence, the EOC's would seem to be disqualified to apply for VEA funds under the terms of H.R. 7. Currently, that is, in 1989-90, the nine EOC's are receiving \$600,000 of VEA funds which they use to purchase equipment and to run vocational programs not otherwise fundable. The equipment funds are especially critical for the EOC's since their regular state appropriations generally do not cover new or replacement equipment which they are expected to secure from outside sources. The loss of these funds would

create a serious handicap, severely limiting their ability to replace outworn equipment or keep up with the pace of technological change.

I urge you to support changes in H.R. 7 which will permit reputable, state or local educational institutions such as the EOC's which are effectively serving disadvantaged adults—but do not meet the proposed distribution formula under H.R. 7—to remain qualified for the VEA program.

Sincerely,

LEONARD A. HARPER.

STATE UNIVERSITY OF NEW YORK EDUCATIONAL OPPORTUNITY CENTER OF WESTCHESTER [EOC-W]

(Facts about the EOC-W's Educational Programs and Services)

WHAT IS THE EOC-W?

The Educational Opportunity Center of Westchester (EOC-W) is a part of the State University of New York. It provides free educational service to eligible persons.

WHO IS ELIGIBLE TO ATTEND?

Any resident of New York State who is 18 years of age, whose income meets state guidelines and who is not already attending a high school or college may be eligible to attend.

EDUCATIONAL PROGRAMS

Basic Reading.—Individualized and small group instruction in basic reading for those who do not read or do so with only limited skill. Up to 30 weeks; 10 hours a week. Placement exam reading test scores: 0 to 4.

Pre-Vocational Studies.—Emphasis on improving reading, writing and math skills for those who want to qualify for vocational programs or the GED. Up to 30 weeks; 20 hours a week. Placement exam scores in math and reading: 4.0-7.0.

High School Equivalency (GED).—Preparation in all of the academic skills necessary to pass the GED examination. Pretests will enable instructors to individualize instruction. Students will be encouraged to take the exam whenever they are ready. Up to 30 weeks; 20 hours a week. Daytime and evening. Minimum placement exam score in reading and math: 7.0.

English As A Second Language (ESL).—Intensive English instruction for those wishing to advance educationally or secure a better job. The program is offered at four levels, depending on the applicant's knowledge of English. Up to 30 weeks; 20 hours a week. Daytime and evening.

Word Processing.—An office skills program which emphasizes training in typing and word processing on IBM, Wang and Lanier equipment. Business English and math also covered. Open to non-typists. 30 weeks; 30 hours a week. Daytime and evening. Minimum placement exam score in reading and language arts: 7.0.

Computer Operations.—Training in all the fundamentals of computer operations using the latest IBM System 36. Course includes introduction to Basic and RPGII languages as well as business applications. 20 weeks, 30 hours a week. Daytime. Two sections a year. Minimum placement exam score in reading and math: 8.0.

Home Health Aide and Nurses Aide.—Combined training in home health and nurses aide skills based on New York State approved curriculum. Classes include theory and intensive clinical experience in hospitals and homes. Given three times a year. Minimum placement exam score in reading and math 8.0. One section will be Spanish/English if demand is sufficient.

ESL—Typing.—A program for advanced (Level III) ESL students which combines intensive work in English, and typing, 30 weeks; 20 hours a week. Daytime.

Emergency Medical Technician (EMT).—A New York State approved program of health studies for those who wish to be EMT specialists working for ambulance companies and hospitals. Instruction includes driver training and introduction to medical vocabulary 20 weeks; 17 hours a week. Minimum placement exam score in reading: 8.0.

Data Entry/CRT Operations and Word Processing.—An office skills training program which combines instruction in data entry, basic operation of a computer workstation, and word processing. Equipment available includes IBM System 36 computer plus IBM, Wang, and Lanier word processors. 28 weeks; 30 hours a week. Minimum placement exam score in reading: 7.0. Daytime and evening.

COUNSELING SERVICES

The EOC-W has a full time staff of professional counselors. Students are assigned a counselor who will assist them with:

- Planning educational programs.
- Solving personal problems.
- Seeking health referrals.
- Planning college or vocational studies.

JOB PLACEMENT SERVICES

Job placement assistance is available to EOC-W students seeking employment. Counselors will review career plans with students and refer them to possible job openings or placement professionals affiliated with the EOC-W.

GRADUATION CERTIFICATES

All students who successfully complete an educational program at the EOC-W are awarded a certificate that attests to the fact that they have fulfilled the requirements of their particular program. These certificates are issued to graduates with the authority of the State University of New York.

ADMISSION PROCEDURES

Interested persons should visit the EOC-W at 41 Main Street, Yonkers, or telephone a counselor at (914) 968-1802. The first step for admission is a placement exam. The scores will determine program eligibility. Applicants will also be required to present proof of previous income. Their personal or family income must not be higher than amounts set by the State University.

Admission to the EOC-W is made without regard to race, creed, color, age, sex, national origin or handicap.

A FINAL WORD

The EOC-W is a public institution. It belongs to the residents of New York and was created to serve those who need additional education. The staff and faculty will do everything they can to see that students are offered quality programs and that they have a successful educational and/or training experience at the Educational Opportunity Center of Westchester.

WHAT HAPPENS TO EOC-W GRADUATES

Past Graduates were admitted to:
Bronx Community College, Cochran School of Nursing, Culinary Institute, Elizabeth Seton College, Lehman College, Manhattan Community College, Marymount College.

Mercy College, New York Tech Institute, SUNY Cortland, SUNY Plattsburg, SUNY Stony Brook, Syracuse University, Westchester Community College.

Post Graduates were placed in the following firms:

Business Skills:

Nat. Bank of Westchester, NYS Dept. of Motor Vehicle, Travels Insurance, Ruben H. Donnelly, Kelly Personnel, Office Help Temp, NYC Police Dept., IBM, AT&T.

CITICORP, Alexanders, Phelps Dodge, Marcia Cooper, Sears, Pepsico, Allstate Insurance, Cover Temps, United Way.

Health Aides and EMT:

Yonkers General Hospital, Cabrini Nursing Home, Parkchester Nursing Home, Professional Care, Affiliated Home Care, Hebrew Home for the Aged, Dyckman Medical Center, Accredited Care, Family Service of Westchester, Empress Ambulance.

St. John's Hospital, Sans Souci Nursing Home, St. Joseph's Hospital, Staff Builders, Total Care, Upjohn Health Care, Superior Care, Unlimited Care, Quality Care, New York Ambulance, Medi-Cab.

Mr. EMERSON. Madam Chairman, I move to strike the last word.

Madam Chairman, I want to have just a brief colloquy with the gentleman from California [Mr. MILLER], whose amendment I support. I think it is a good amendment, a substantial amendment.

I am a strong supporter of vocational education, and I want to do everything I can to enhance the opportunities of people who are pursuing a vocational education. As the ranking member of the Subcommittee on Nutrition of the Committee on Agriculture, I just want to inquire of the gentleman if he is aware of the fact that we do have a child care deduction provision in the basic food stamp law. I was anxious that we not be duplicative or do anything that might confuse that, and rather than ask the gentleman to withdraw or to further refine the amendment at this point, I wanted to ask if he is aware of my concern, and I just wondered if we might work it out before the matter goes to conference.

Mr. MILLER of California. Madam Chairman, if the gentleman will yield, I was aware of that concern. Unfortunately, I was made aware of that late, and it would be my intent that the gentleman and I will be able to work this out prior to the appointment of conferees. If we work it out to the gentleman's satisfaction, then there will be no requirement for the Committee on Agriculture to have conferees on this bill. If we cannot work it out, it will be dropped immediately, and there would be no reason for the Committee on Agriculture to have conferees on this bill. I think we can work it out on the child care provision, and I look forward to working with the gentleman.

Mr. EMERSON. Madam Chairman, I thank the gentleman for his consideration. Once again, let me say that I do support the amendment essentially.

Madam Chairman, I would like to comment briefly on the amendment offered by the gentleman from California to the bill before us today, H.R. 7. The gentleman's amendment provides that income received under the Vo-

ational Education Act will not be counted as income in the food stamp and other Federal programs. Under the present food stamp law, income received through Federal educational grants, other than those funded under title IV of the Higher Education Act, is already excluded to the extent that it is for tuition and mandatory fees. I wanted to take this opportunity to correct the record on this matter since there may have been some misunderstanding of the food stamp law.

The gentleman's amendment does correct a problem in the food stamp law by providing that income received under the Vocational Education Act will be treated, with one exception, the same as income received under title IV of the Higher Education Act. This means that funds provided for books, supplies, transportation and miscellaneous personal expenses will now be excluded, in addition to the current exclusion for tuition and mandatory fees. I am pleased that the gentleman has attempted to track the Higher Education Act provisions and corrected the previous problems with the amendment before us with regard to students attending schools less than half time.

The food stamp law already provides that for persons receiving food stamp benefits, a deduction is provided for expenses related to the care of any dependent, including children, up to \$160 per month, per dependent. This is in addition to the other deductions provided for in the food stamp law for standard expenses, earned income, and excess shelter expenses.

The Food Stamp Act is, of course, under the jurisdiction of the Committee on Agriculture. The committee will be looking very carefully at all of the provisions of the act since reauthorization of the food stamp program will occur next year. This is a very complicated program and one that is difficult to administer because of the myriad of differing rules and regulations. It is my belief that when a person is in need of assistance for one type of assistance—food—eligibility for other types of assistance should follow. Currently the rules and regulations for assistance differ from program to program and needy families must go from office to office to apply for help. I hope to have the opportunity to bring this problem to light during the committee's reauthorization hearings, which I hope will begin this year.

Madam Chairman, I appreciate the opportunity to speak concerning this amendment to the food stamp law and clarify the provision of that act. I am confident that any issues that arise can be resolved during the conference on H.R. 7.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. GUNDERSON] insist on his point of order?

Mr. GUNDERSON. Madam Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Strike line 19 on page 130 and all that fol-

lows through line 8 on page 131, and insert the following:

“(a) INVESTIGATION OF DELAYS.—The General Accounting Office shall—

“(1) investigate the circumstances of any failure by the Secretary to submit any report or research finding or issue any regulation required by this Act by the time specified in the provision of this Act requiring the submission of such report or research finding or issuance of such regulation; and

(2) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing the results of any investigation conducted pursuant to paragraph (1), including an identification of the cause of the delay and of the office or offices of the Department of Education or of the Office of Management and Budget responsible for the delay.

“(b) AVAILABILITY OF REPORTS.—The Secretary shall make available to the Chairman or the ranking minority member of the Committee on Education and Labor of the House of Representatives or the Committee on Labor and Human Resources of the Senate, upon request, any report or research finding required by this Act, or information collected in preparation for such a report, before the end of the 10-day period beginning on the date that the request is made.

Mr. GOODLING (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1700

Mr. GOODLING. Madam Chairman, I would like to offer an amendment to H.R. 7 which would replace section 505 of the bill. Mr. WILLIAMS offered the original language contained in section 505 as an amendment at full committee markup. While I had serious reservations about the form of that amendment, I shared the gentleman from Montana's concerns regarding the delay in getting reports and regulations out of the Department of Education.

In the past several years there have been instances of regulations taking several years to be issued in final form. Without pointing fingers at who is to blame, this is just not acceptable to the committee nor fair to the persons responsible for operating these programs at the State and local level.

The amendment that I am offering today will help the committee and the Congress get a better handle on why these long delays are occurring. It simply states that in the event of a delay in rulemaking, the General Accounting Office will look into the cause of such delay and report their findings to the committee. In addition, it adds a provision that gives the chairman and ranking member of the committee the authority to request reports and data from the Department,

and requires they be delivered within 10 days of the request.

This amendment breaks no new constitutional ground, does not interfere with the relationship between OMB and the President, and is well within the authority of the Education and Labor Committee.

I would like to thank Mr. WILLIAMS for working with me on this amendment. I would also like to thank the Director of OMB, Mr. Darman, for his attention to this matter and his personal commitment to investigate this situation and make improvements within a 6-month period.

Mr. WILLIAMS. Madam Chairman, I move to strike the requisite number of words.

My colleagues, during this past decade the Office of Management and Budget has assumed a significant policy authority which many, including myself, believe was outside of what the Congress intended them to have. OMB reviews and approved their reports. OMB directs research methodology. OMB even reviews and, we find, changes testimony of executive branch officials who come to Capitol Hill to testify before our committees and before the public.

Let me refer my colleagues to an article from a daily newspaper today. The headline says, “Experts, OMB Spar on Global Warming,” and let me read for the Members of the House just an excerpt from today's newspaper article which I believe makes the point.

Quoting now,

Among those testifying yesterday was an atmospheric scientist who disavowed his own written testimony because it was altered by the Office of Management and Budget. The White House confirmed a report in the New York Times that an OMB official altered testimony by James E. Hansen, director of NASA's Goddard Institute for Space Studies, to avoid the impression “that there is unanimity within the government on this issue.”

The quote continues:

Hansen, after giving the Senate Commerce Subcommittee on Science, Technology and Space a copy of his edited testimony, said, “The changes made it appear that he did not believe that global warming will lead to more frequent droughts.”

Quoting Mr. Hansen,

I don't object to review of policy statements. My only objection is being forced to alter the science.

That, my colleagues, is simply the latest example of OMB's inappropriate and illegitimate interference with testimony, reports and even regulations that various departments, individuals, agencies are required to provide to OMB before those reports are made public. Thus the original language that I had placed in this vocational education bill was an effort to prevent what many of us see as abuses

by the Office of Management and Budget.

Needless to say, Madam Chairman, the executive branch threatened to veto the entire vocational education bill because they saw this as a clear issue; that is, they saw my amendment as a clear issue of unwarranted and inappropriate influence by the congressional branch over what they believed to be clearly executive branch prerogatives. But we did get their attention, and, after the instance which I have just read from the newspaper, there are many now within the White House who believe that maybe with this amendment the Congress is on the right track.

OMB, in fact, has run amuck and needs to be clearly reined in. With my amendment I was trying to do something more than just fire a shot over their bow. I was actually trying to tear a gash through their stern down at OMB.

Madam Chairman, even though that is my intention, I recognize the reality that we do need to get this bill passed and eventually signed into law, and thus I was pleased to work with the gentleman from Pennsylvania [Mr. GOODLING], the ranking member on the committee, and we have come up with this amendment.

Madam Chairman, the gentleman from Pennsylvania [Mr. GOODLING] has explained it to some degree. Let me just follow that with what my own understanding is of the amendment.

The amendment requires; that is, the amendment of the gentleman from Pennsylvania [Mr. GOODLING] in which I join, the General Accounting Office to investigate the circumstances of any failure to submit a report, research finding or issue any regulation required by this act by the time specified. The report of such investigation must be submitted to the Committee on Education and Labor in the House and the Senate Labor and Human Resources Committee indentifying the cause of the delay and the office or offices of the Department of Education or the Office of Management and Budget responsible for that delay. Finally, the amendment requires the department to submit any report or research finding to the above committees within 10 days.

Madam Chairman, this is a reasonable amendment, and I encourage my colleagues to support it. I also encourage other authorizing committees of the House to make it clear, either through similar amendments of their own or by writing to the President and to OMB, that we have great concern here that OMB is changing rules outside of the public view, that OMB is changing testimony that is given on Capitol Hill against the wishes of the author of that testimony and, finally, that OMB is so delaying reports required from the executive branch that

they have actually placed departments of the executive branch outside of the law.

Mr. HAWKINS. Madam Chairman, I move to strike the requisite number of words.

May I say that I rise in support of the amendment now that it has in a sense been agreed to? I will not attempt to delay the discussion; however, let me indicate that no one, I think, is any more concerned about the Office of Management and Budget or whoever it is who delays the regulations in the various bills that we pass.

□ 1710

A year ago, on April 28 last year, we passed the School Improvement Act and the regulations under that act, with the minor exception of one or two, have yet not been issued; so I think no one is more concerned about the holding up of regulations.

In that particular instance, it is not clear as to who is doing it, whether it is in the Department of Education or in the Office of Management and Budget.

The Goodling amendment would clarify that by identifying the one who is actually responsible and it would be done by a nonpolitical objective agency.

I think that is certainly a great amount of improvement over current law and over practices that are now being indulged in.

Madam Chairman, I wish at this time to commend the gentleman from Montana [Mr. WILLIAMS] for his wisdom in bringing this matter to the attention of the committee and for the language which he inserted which probably led to some outside consideration to rectify this problem.

My heart belongs to the gentleman from Montana [Mr. WILLIAMS] and his amendment. My common sense belongs to the gentleman from Pennsylvania [Mr. GOODLING].

I know that were this to be adopted, the committee language to be adopted, it would prove disastrous to this most important bill. I believe that the economic security of the Nation and its national defense is more at stake here and certainly the Goodling amendment, and I commend the gentleman from Pennsylvania [Mr. GOODLING] on his amendment, is certainly the way out of a critical situation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. SMITH OF VERMONT

Mr. SMITH of Vermont. Madam Chairman, I offer amendments, and I ask unanimous consent that they be considered as read, printed in the RECORD, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. SMITH of Vermont: Page 25, line 10, insert "and subpart 6 of part B" after "part E".

Page 27, after line 14, insert the following new subsection (and redesignate the succeeding subsection accordingly):

"(e) SCHOOLWIDE EDUCATION PERFORMANCE AGREEMENT DEMONSTRATION PROGRAMS.—There are authorized to be appropriated \$1,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out subpart 6 of part B of title IV, relating to schoolwide education performance agreement demonstration programs.

Page 110, after line 3, insert the following new section:

SEC. 249A. SCHOOLWIDE EDUCATION PERFORMANCE AGREEMENT DEMONSTRATION PROGRAM.

(a) GENERAL AUTHORITY.—Part B of title IV of the Act is amended by adding at the end the following new subpart:

"Subpart 6—Schoolwide Education Performance Agreement Demonstration Program

"Sec. 420. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) The Secretary shall carry out, through grants to or contracts with States and local educational agencies, schoolwide education performance agreement demonstration projects under which the school involved in the project would, subject to the negotiated agreement described in subsection (c) and under alternative regulations developed by the Secretary and the State in which the school is located, be able to combine amounts provided for programs relating to applied technology education and youth services, including amounts made available to the school under each of the following:

"(A) The Carl D. Perkins Vocational Education Act.

"(B) The Elementary and Secondary Education Act of 1965.

"(C) The Adult Education Act.

"(D) The Job Training Partnership Act.

"(E) Programs relating to teenage pregnancy.

"(F) Drug education and prevention programs.

"(G) Youth gangs programs.

"(2) The Secretary shall carry out under this section not less than 10 and not more than 20 demonstration projects, which shall each be for a period of 5 years.

"(3) Each grant or contract awarded under this section shall be for not less than \$50,000 and not more than \$100,000.

"(4) Nothing in this section shall be construed to authorize the substitution of alternative regulations for regulations intended to protect civil rights or safety or which prevent individuals or organizations from diverting funds to private use.

"(b) SELECTION CRITERIA.—Grants or contracts under this section shall be awarded to projects to be operated in areas with high poverty rates or other indications of disadvantaged status. In awarding such grants or contracts, the Secretary shall consider—

"(1) geographical distribution; and

"(2) distribution between urban and rural areas.

"(c) **NEGOTIATED AGREEMENT.**—Grants or contracts under this section shall only be awarded upon the acceptance of a negotiated agreement between the school, the local educational agency, the State, and the Federal government, which may be modified through negotiation and shall include—

"(1) provisions for 1 year of planning;

"(2) an agreement by the Federal government that it will develop alternative regulations with respect to the Federal programs involved in the project to enable the school involved to combine amounts received under such programs to achieve significantly improved outcomes;

"(3) an agreement by the State that it will combine its funds and provide the same funding guarantees and alternative regulations that the Federal government will provide for the Federal programs involved in the project;

"(4) provisions enabling the State and the Federal government to independently audit the measurement of student performance outcomes; and

"(5) an agreement that if the negotiated goals are not achieved—

"(A) for 1 year of operation, technical assistance shall be provided to the school and the negotiated agreement shall be reassessed;

"(B) for 2 consecutive years of operation, the negotiated agreement for the project is nullified and the alternative regulations are no longer effective.

"(d) **APPLICATION.**—Each application for a grant under this section shall be submitted by the State in cooperation with the local educational agency involved and the school involved, and shall—

"(1) be the result of participation by parents, business and community representatives, the appropriate private industry council established under section 102 of the Job Training Partnership Act, and school authorities;

"(2) contain a set of goals for each respective group covered by the pertinent program authorities used in the agreement;

"(3) include a set of intermediate performance goals;

"(4) include higher outcomes than previously demonstrated;

"(5) identify which entity will be responsible for the achievement of the stated goals at the end of each year of the negotiated agreement described in subsection (c);

"(6) include a plan for coordinated services and service delivery;

"(7) describe what services will be provided under the project; and

"(8) describe rewards and incentives that will be provided to students and successful service providers, particularly incentives for service providers that meet goals for students who are members of special populations and dropouts.

"(e) **EVALUATION.**—

"(1)(A) The Secretary shall conduct an independent evaluation of each project assisted under this section and submit a report to the appropriate committees of the Congress that contains an analysis of the project and a description of the results achieved by the project.

"(B) Each report required by subparagraph (A) shall be submitted not later than the expiration of the 1-year period beginning on the date that the project concerned is completed.

"(2) The Interdepartmental Task Force established by section 102 of the Applied Technology Education Amendments of 1989 shall provide interim progress reports to the

Congress with respect to each project assisted under this section."

(b) **CLERICAL AMENDMENT.**—The table of contents contained in section 1 of the Act is amended by inserting after the item relating to section 419 the following new items:

"SUBPART 6—SCHOOLWIDE EDUCATION PERFORMANCE AGREEMENT DEMONSTRATION PROGRAM

"Sec. 420. Program authorized."

Mr. CRAIG. Madam Chairman, will the gentleman yield?

Mr. SMITH of Vermont. I yield to the gentleman from Idaho.

Mr. CRAIG. Madam Chairman, like most members of Congress, I am a strong supporter for the Carl D. Perkins Act and vocational education programs in general. My record proves that I believe that the Committee on Education and Labor has worked very diligently this year in its consideration of the Perkins Act. As a former member of the committee, I understand how difficult the task of putting together an acceptable program can be.

There is widespread concern that vocational education programs are not working as well as they could—I can appreciate that. This particular program is relatively new and it is understandable that it might require some fine tuning. However, I do not believe that H.R. 7 is the answer.

In addition to the administration's opposition to this bill, I have several objections of my own. First, the elimination of vocational education State councils in favor of State Human resources councils will only hinder efforts in many States where current programs are working. In my own State of Idaho, the loudest voice for vocational education comes at the State level. Combining the vocational education State council with the other four programs identified in H.R. 7 will only serve to diminish, if you eliminate, the strong and distinct voice that vocational education has had in my State. Second, eliminating administrative red tape by targeting funds directly to those who need it most is an admirable goal. However, the intra-State requirements that have been proposed as part of this effort could significantly decrease the amount of funds received for rural programs, even with "hold harmless" provisions. Agriculture teachers in my State have contacted me to warn that rural programs may cease to exist as a result of this new intra-State funding scheme. In a State like Idaho where the local tax base is significantly affected by the existence of tax-exempt Federal lands, any loss of income to individual programs could be devastating. I cannot support such a formula. Finally, although this bill is the result of agreements reached by committee members after long hours of debate and compromise, many vocational education experts have not had time to look at the most recently amended version of this bill. This opportunity must be given to them.

To date I have been in contact with the Idaho Director of Vocational Education, director of vocational rehabilitation, director and members of the State council, the Idaho Vocational Agriculture Teachers Association, the head of Agricultural and Extension Education at the University of Idaho, the Idaho Education association, and many, many teachers. They have all expressed varying degrees of con-

cern regarding H.R. 7. I cannot ignore this large group of local experts.

The truth is that this is not just a simple reauthorization of the Carl D. Perkins Act. It is a significant change in vocational education, one that goes so far as to change the name of the program. Madam Chairman, while I appreciate the effort put forth by the committee and support reauthorization of the Perkins Act, I do not believe that H.R. 7 best serves the needs of vocational education and I urge my colleagues to join with me in voting against the bill.

Mr. TRAFICANT. Madam Chairman, today we are voting on H.R. 7, the vocational education reauthorization bill. This measure goes a long way in ensuring that vocational education programs are provided to those most in need of training. The measure also works to combine academic and occupational training—a provision ensuring that workers will be both educationally and professionally prepared for the career of their choice.

America cannot remain complacent in educating its future workers. Changes in job markets and production call for comparable changes in education and job training. The United States is working to maintain a competitive, technical position in the international arena, and our vocational education training must reflect this goal.

H.R. 7 incorporates technical training with a new tech-prep program. This initiative establishes a 4-year program linking the last 2 years of high school with 2 years of postsecondary technical education. Graduates of this program will have mastered necessary skills for technical trades and will go on to contribute to the competitiveness of this country.

Vocational education is hands on education. We spend a lot of time ensuring that our kids read books and study foreign languages, while many would rather learn a vocation and get to work. H.R. 7 provides the necessary funding to see to it that students are given the opportunity to pursue the vocation of their choice.

My State of Ohio is a leading State in providing quality vocational education programs. In 1987, 59 percent of Ohio's 11th and 12th grade students were enrolled in secondary vocation, and 36 percent enrolled in vocational job training programs. For adults, almost 97 percent of unemployed adult workers were reemployed after adult vocation training at an average wage of \$8.75 per hour. These figures illustrate how vital vocational education is to Ohio.

I urge my colleagues to support H.R. 7. A vote for this bill is a vote for funding academic, occupational, and technical education for the workers who will be meeting the demands of an increasingly competitive work force.

Mr. OBERSTAR. Madam Chairman, I rise to voice my support of the H.R. 7, a bill to reauthorize the Perkins Vocational Education Act through 1995.

Vocational education is an important, though often overlooked, component of our national education system. From the high school sophomore in home economics class to the 20-year-old learning computer repair in a specialized technical college, to the displaced homemaker developing new skills and preparing to enter the job market for the first

time, vocational education touches millions of lives each day.

Vocational education is universal. A recent survey shows some 97 percent of all high school students take at least one vocational course.

Vocational education is specialized. Sixty-three percent of all vocational training is directed at preparing students for specific jobs.

Vocational education is more than just wood shop. Business courses make up the largest single category of vocational training—23 percent. Twenty-one percent of vocational courses provide trade and industrial training, and consumer and homemaker education comprise 15 percent.

The Perkins Vocational Education Act, which this bill renames the Perkins Applied Technology Education Program, is vital to the continued success of our vocational and technical education system. This program provides badly needed funding to States for vocational education programs. It also targets underserved populations, such as the handicapped, the economically disadvantaged, or people with limited English language skills, to make vocational training available to them.

The bill before us makes several changes in the Perkins program. It changes the formula for funding distribution so that distressed areas will receive a higher priority. It also provides mechanisms for greater cooperation between vocational education and related programs such as JTPA, and programs to improve facilities and equipment.

The most remarkable new feature of this bill, however, is the creation of the Tech Prep Program, which provides a 4-year sequence of courses, beginning in high school and carrying forward through 2 years of community college. This will provide students with a continuity of instruction beyond high school and produce more technically proficient students.

The Tech Prep Program is an innovative approach to education. Besides providing cross-curricular cooperation between high schools and 2-year post-secondary schools, it also encourages the participation of business, industry and labor in curriculum development, giving students benefit of the practical experience of potential employers and coworkers. It gives special consideration to those schools whose graduates show consistent success in job placement or transfer to 4-year institutions. It encourages special attention to the needs of the handicapped, the economically disadvantaged and students with limited command of the English language. It also provides incentives for dropout prevention and programs to attract dropouts back into school.

In addition to the Tech Prep Program, the bill before us today authorizes \$100 million for new equipment and facilities for vocational education, with special attention to schools in economically depressed areas. It also provides \$4 million for programs directed to native American students.

In short, Madam Chairman, the Perkins Vocational Education Act provides badly needed Federal support for vocational and technical education programs. Vocational education produces our society's builders and fixers, our mechanics and technicians, the clerical personnel who process our papers and the skilled workers who build, operate, and repair

our machines. Vocational education unites the hand and the mind. It expands horizons and builds confidence. Most of all, it provides American business and industry with the skilled work force they will need to remain competitive in an increasingly challenging world market.

I urge my colleagues to vote in favor of this important legislation.

Mr. SMITH of Vermont. Madam Chairman, my amendments fall in several parts throughout section 2.

Madam Chairman, as I said earlier during the debate on the main section of this bill, it is a dramatic improvement and a needed improvement in the overall policy direction of vocational education, now called applied technology education in this country; however, the amendment that I offer here, one which will create a national demonstration program for schoolwide performance agreements, is an idea which has been discussed briefly in our committee. It has the support of Members on both sides of the aisle and achieves something that frankly is not achieved by this bill in its current state.

Simply put, what it does is something that we as a nation of policymakers and rulemakers have failed to do for the last 30 years, and that is to finally ask teachers, to ask building principals, to ask administrators, to ask local school boards what it is that they would do to make schools better and to create an incentive that is not the incentive of more money, per se, but the incentive that they would be able to write a local plan to improve excellence and to improve the ability of their school to serve the needs of every child better than it has historically. In return for that commitment, put forward in a plan which is agreed to by the State and the Federal Government, the district would be free to restructure its curriculum, its human resources, and its calendar to achieve those higher standards.

It is a form of deregulation that gets at the need which we have heard from members of the teaching profession and the administrative profession to organize for excellence at the local level with the Federal and State governments as partners in that effort.

I believe that a national demonstration project, no more than 20, no fewer than 10 projects, arrived at competitively, focused on rural and urban areas where there are disadvantaged and poor students in disproportionate amounts would allow us over a period of 5 years through the diversity that we would see, the new models that we would see, come back to that time in the future when we reauthorize the Perkins bill again with solid evidence based on the performance of school districts across this country as to how we might change the configuration, change the landscape of the traditional top-down categorical form of legisla-

tion we have, which unfortunately constricts and restrains so many educators from the very goals that they, and, in fact, the regulations, are there to enforce.

Mr. HAWKINS. Madam Chairman, will the gentleman yield?

Mr. SMITH of Vermont. I yield to the gentleman from California.

Mr. HAWKINS. Madam Chairman, may I commend the gentleman from Vermont [Mr. SMITH] for his idea of a national demonstration program.

I have had the opportunity in the past several weeks of discussing his idea with him. I think there is a great deal of merit in it.

I am not so sure why it seems that Vermont has contributed so many outstanding members of the Education and Labor Committee, but they have consistently been of very high quality and very innovative. Certainly the gentleman from Vermont [Mr. SMITH] belongs in that category.

Now, I have expressed great concern, however, with respect to adding this idea at this time for several reasons; one, that it may invite other ideas that may emanate not so much among members of the Education and Labor Committee, but among other individuals who are very innovative and creative, and that this proposal may end up with a lot of other ideas.

I have asked the gentleman if he would be satisfied, however, if I would assure him that we will conduct a hearing or hearings on his proposal and that inasmuch as the full Education and Labor Committee is meeting on May 23, that if any concrete idea and any agreement can be reached, that I would be willing to place a bill of which he might be a sponsor on the agenda of that hearing.

I would hope that if we can assure the gentleman of this, and I am confident that the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING] would join with me, that would this be a better means of advancing the gentleman's cause, this particular proposal, than attaching it at this time to a bill that otherwise is free of such ideas.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

(By unanimous consent, Mr. SMITH of Vermont was allowed to proceed for 1 additional minute.)

Mr. SMITH of Vermont. Madam Chairman, I have to say, and I speak for former members of the Vermont delegation to this esteemed body, that if flattery were food, we would all be well fed.

Mr. HAWKINS. Madam Chairman, if the gentleman will yield, I did save part of my heart for the gentleman from Montana [Mr. WILLIAMS], I should have saved some for the gentleman from Vermont.

Mr. SMITH of Vermont. Madam Chairman, I feel well basted before being put in the oven. Having said that, I appreciate the gentleman's comments in stating the commitments he has made, and wanting in no way to jeopardize what I think is the fundamental redirection of vocational education in the bill that I support, Madam Chairman, I ask unanimous consent to withdraw the proposed amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

□ 1720

AMENDMENT OFFERED BY MR. NIELSON OF UTAH

Mr. NIELSON of Utah. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NIELSON of Utah: On page 129, strike out line 9 and everything that follows through line 16 on page 130, and insert in lieu thereof the following:

"(b) PROCEDURE.—In developing regulations authorized by subsection (a), the Secretary shall take whatever steps are necessary to ensure extensive public participation, including convening, as soon as practicable after enactment of this Act, regional meetings to provide comments on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this Act."

Mr. NIELSON of Utah (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. NIELSON of Utah. Madam Chairman, I offer an amendment to strike out the requirement that the Department of Education conduct a negotiated rulemaking process prior to issuing regulations for reauthorized Perkins Vocational Education Act.

Madam Chairman, what would you and the Member of this body say if I came to you today and asked you to support legislation that called for the expenditure of \$1 million or more to require a government agency to implement a restrictive process in the development of its regulations and that this process was burdensome, time consuming, and had produced no appreciable benefits in the past? That this process has delayed the publishing of regulations and has served only to allow special interest groups to demonstrate their influence on the regulatory process? You would say no. Our constituents—the taxpayers—are not well served by the application of this pro-

cess, known as negotiated rulemaking, to Department of Education programs.

For Members who are unaware of the negotiated rulemaking procedure and of its previous use by the Department of Education, let me provide some background. Negotiated rulemaking is a procedure conceived by the executive branch for developing regulations in areas where there are clearly defined issues, where the regulations will exact a direct economic cost on the private sector, where there are a limited number of interested parties, and, most important, where the issuance of regulations is likely to result in litigation. Federal agencies have used "reg neg" with some success in promulgated regulations that meet those conditions, primarily on health and safety issues. But I must point out to my colleagues that none of these conditions apply to grantmaking programs, like vocational education, administered by the Department of Education.

Current standards for negotiated rulemaking were issued by the Administrative Conference of the United States, or ACUS. In fact, the bill before this body today requires the Department of Education to follow ACUS guidance in implementing "reg neg" for vocational education. Yet ACUS calls for the use of negotiated rulemaking on an experimental basis only at agency discretion. Those who devised the concept of negotiated rulemaking never intended that it be a mandatory procedure. And until the Congress took the step, a year ago, of requiring negotiated rulemaking for the chapter 1 program, no agency, to my knowledge, had ever been required by Congress to use this procedure.

Now let's take a look at what happened with chapter 1, after Congress took that unprecedented step. An independent evaluation of this experience indicates that the Department made a good-faith effort to implement the procedure properly. The participants in the chapter 1 negotiations, in fact, gave the Department high marks for its conduct of the reg neg process. But what were the results? The interest groups who had sought negotiated rulemaking guaranteed that it would: First, result in a smoother regulatory process, with major issues resolved early on; second, reduce the number of complaints made about the proposed regulations after their publication in the Federal Register; and third, result in earlier promulgation of final regulations. But none of this happened. In fact, the negotiators were generally unable to reach consensus on the major regulatory issues. In those few cases where consensus was reached, those same interest groups immediately tried to get the Department to amend the compromises and write the regulations more in their favor. After the Department published its pro-

posed chapter 1 regulations in December, hundreds of people wrote to comment and recommend changes. That is not a problem—the public should have ample opportunity to comment on proposed regulations—but the purpose of negotiated rulemaking is to short cut the process by resolving issues early on, thereby minimizing the volume of public comments received and thus reducing the time it takes to produce final regulations. In the case of chapter 1, reg neg may even have resulted in more written comments than the Department would otherwise have received.

Did chapter 1 negotiated rulemaking have any impact on the substance of the regulations? The independent evaluation found very few instances in which the negotiating process resulted in substantive changes in the Department's draft regulations. It is likely that the final regulations for chapter 1 will be almost identical to what the Department would have issued had reg neg never been carried out. And did negotiated rulemaking succeed in shortening the regulatory process? To the contrary, 1 year after enactment of the Hawkins-Stafford amendments, final regulations still have not been issued, and the delay is at least partially attributable to the mandatory use of reg neg.

The issue of timing is particularly important, because State and local program administrators must have timely regulations that clarify provisions of the statute and provide them with guidance on how to implement programs legally and properly. Unfortunately, the reg neg language in H.R. 7 will result in much greater delay than was the case under chapter 1. Unlike the chapter 1 requirement, the negotiated rulemaking language in H.R. 7 would trigger application of the Federal Advisory Committee Act, commonly known as FACA. Under FACA, before a committee of reg neg negotiators could meet, the Department would be required to prepare a charter for the committee, obtain approval of the charter from the General Services Administration, and then publish the charter in the Federal Register. In the past, this has taken between 2 and 6 months. Nowhere in the Education and Labor Committee report on this bill does it explain why such a time-consuming FACA procedure should be used for vocational education when it was not used for chapter 1. I can predict, Madam Chairman, that a negotiated rulemaking procedure conducted under FACA would add many months to the regulatory process. How in the world could this be said to improve the vocational education of our Nation's children and adults?

Let me also address some of the other claims that have been made about negotiated rulemaking. It has

been said by proponents that regulations produced through reg neg require less paperwork and impose fewer legal and financial burdens on grantees. Proponents also claim that State and local administrators who implement education programs can be more confident that they are in compliance with the law if negotiated rulemaking has been used. Yet the literature on negotiated rulemaking offers no evidence to support these claims. At the chapter 1 reg neg session, some participants wanted less regulation but others wanted more. The result was a series of compromises not much different from what would have gone into the regs through the normal rulemaking process. Negotiated rulemaking does not alter the nature of the regulatory compromises achieved, merely the process by which they are reached. As for the compliance issue, there is no reason to believe that the participation of 15 people in a negotiating session will improve general understanding of, and compliance with, the regulations by hundreds of State and local administrators nationally.

I understand that the package of committee amendments, adopted earlier, includes a provision to limit the number of issues to be negotiated. This would be an improvement, but it is not enough. I oppose any negotiated rulemaking requirements as a clear infringement on executive branch prerogatives.

In sum, Madam Chairman, negotiated rulemaking is a costly and time-consuming process that has been shown to yield negligible benefits for Department of Education grantmaking programs. Reg neg was designed as a regulatory technique to be employed only at agency option. The Education Department's prior experience with negotiated rulemaking, under chapter 1, gives us no reason to require its use under vocational education. I urge all Members to support my amendment to delete the requirement for negotiated rulemaking in H.R. 7.

Mr. Chairman, I believe that should take care of the committee's desire to have special attention paid to these changes in the act.

As a former member of the Committee on Education and Labor, I was there when the first bill, vocational education bill, was passed, and I happily supported it. I am a little saddened that they chose, to change the Vocational Advisory Council to Human Investment Council, and make vocational education suddenly applied technology education.

I like the word vocational. I think it has a good ring and served us well, and I am a little disappointed with changing all of those names, but that is a minor point.

I commend the gentleman from California [Mr. HAWKINS] and the gentleman from Pennsylvania [Mr. Good-

LING] for their work in creating the bill. I am going to be supportive of the bill, but I do believe that making the negotiated rulemaking mandatory rather than advisory or rather than letting the administration do as it has done in so many other agencies on other bills, I think that cripples the bill.

Mr. PEASE. Madam Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I am happy to yield to the gentleman from Ohio.

Mr. PEASE. Madam Chairman, my hope is that the gentleman may not pursue his amendment or that, if he does pursue it, the body will not agree to it.

I have been an interested champion of regulatory negotiation for about 8 years now in the House, having had a bill in every Congress since the early 1980's. Last year, as the gentleman may know, the Senate passed unanimously a bill providing for regulatory negotiations. Hearings were held in the Committee on the Judiciary last year, and again just last week. We probably will have a reg neg bill on the floor of the House later this year.

I can understand the gentleman's concern about this.

The CHAIRMAN. The time of the gentleman from Utah [Mr. NIELSON] has expired.

(At the request of Mr. PEASE, and by unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 2 additional minutes.)

Mr. PEASE. Madam Chairman, will the gentleman yield further?

Mr. NIELSON of Utah. I am happy to yield to the gentleman from Ohio.

Mr. PEASE. Madam Chairman, I can understand the gentleman's concern about a mandatory requirement, but if the gentleman's amendment prevails, as I understand it, there will not be any language at all in the bill regarding regulatory negotiation, and it seems to me that we ought to try to at least push agencies in that direction.

As the gentleman knows, we are at the first step of many steps before this bill becomes law. My guess is that his concerns can be worked out somewhere along the process in negotiated rulemaking which has too much to offer, in my opinion, for us to cut off the legs of this proposal at this time.

Mr. NIELSON of Utah. Reclaiming my time, I have two comments.

I mentioned in my talk, first of all, that it is useful in health and safety issues where we have a small number of people involved, and it does work in those agencies which the gentleman has been involved in with the Committee on Ways and Means, and I concede that.

The Department of Education is opposed to the bill. They are convinced that they could handle it very well. They feel they tried reg neg in chapter 1, and it has not been successful.

Let me also say that I believe that this bill, which was passed in 1984, has done very well for 5 years, served us well without the reg neg process. It would seem to me it is unnecessary to hobble this bill with what the administration opposed and which I think, if they do it at all, they would do it in a way that probably is not the way that they intended, or the makers of the bill intended.

It seems to me that they have tried very hard, and so far the case for successful reg neg in education has been made.

That is the reason I opposed the amendment.

Mr. RAHALL. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I appreciate the comments of the gentleman from Ohio in opposition to the pending amendment, and I would have to associate myself with them.

As one who is involved in the committee process in working with the gentleman from Pennsylvania [Mr. GOODLING] in developing the negotiated rulemaking legislation, I do stand here to defend what the committee has put in the bill. As the gentleman from Utah, I am sure, will realize, negotiated rulemaking was first used during the Reagan administration in some conscientious issues involving transportation processes. It had a track record of proven successes of being helpful in not only education where the negotiated rulemaking worked for educators, when the EPA started the process on asbestos in our schools, but it has worked with the EPA in the matter of toxic cleanup, and we have seen in those areas where negotiated rulemaking has been very successful in helping local administrators work with Federal agencies in solving the complexities of many conscientious issues that have been before these agencies and before the people.

Mr. NIELSON of Utah. Madam Chairman, will the gentleman yield?

Mr. RAHALL. I am happy to yield to the gentleman from Utah.

Mr. NIELSON of Utah. Madam Chairman, have those been mandatory, or have those been at the administration's direction?

Mr. RAHALL. Previously, as the gentleman knows, we had what was known as legislative veto, in which Congress would have a say whenever there was not a clear congressional intent, in which case the agency would go ahead and write their own regulations, and we had that vehicle at our disposal. Today, though, we do not have that process and, therefore, it is more important that we have the negotiated rulemaking process.

It is important for the Department of Education to convene these regular meetings with local officials to provide their comments to them on proposed

regulations and to require that such meetings include Federal, State, and local administrators, that they require the attendance of parents, teachers, and members of local boards of education who will be involved in the regulations that are being proposed, and I think it is very important to realize in the method in which we have changed the funding for this particular bill that is pending today and the complexities attendant thereto that this negotiated rulemaking is needed more today than ever before.

Madam Chairman, I would hope that the gentleman would perhaps reconsider offering his amendment and perhaps on down in the process in conference there can be language worked out in which perhaps the process can be limited to only certain areas.

Mr. GOODLING. Madam Chairman, I rise to strike the requisite number of words.

Madam Chairman, I would like to make two or three statements.

One, I would not want anyone to believe that H.R. 5 has been held up because of the rulemaking provision in that legislation, the negotiated rulemaking provision. As I understand it, they finished that negotiating 9 months ago.

□ 1730

So 9 months ago there is no excuse because that finished. We cannot blame it on negotiated rulemaking.

Second, it would appear to me that there are some advantages. The amendment I offered in committee, which has become part of the law, would limit this to just a few areas. I can understand how it would be very cumbersome if the entire piece of legislation would be open for that purpose. But if we have those who are on the firing line making suggestions to those who are going to write the rules and regulations, we can then eliminate something that takes even more time, and that is Members of Congress badgering the Secretary because they did not think the rules and regulations that had been proposed, not yet released, really met the intent of the legislation as we meant it to.

So I think there are just as many plusses as there are minuses. But I sure do not want any Member to think that H.R. 5 has been held up, or the regulations have been held up because of negotiated rulemaking, because that just is not so.

Mr. BARTLETT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of this amendment. Negotiated rulemaking is a very time-consuming and expensive procedure which was not intended for the preparation of Federal education grant regulations. It was developed as a way to avoid expensive and protracted litigation

over regulations affecting distinct economic, health, and safety issues. While the Congress required negotiated rulemaking on four key issues in the reauthorization of the chapter 1 program, H.R. 5, this procedure has not been successful.

A recent independent study prepared by the Policy Studies Associates Inc. concluded that negotiated rulemaking is not an effective strategy in large Federal education grant programs such as chapter 1 and the Perkins Act. First, the procedure is expensive. The estimated cost of implementation of the negotiated rulemaking process for the chapter 1 program was \$1 million. No appropriation was made for this activity and the Department of Education had to fund this procedure out of their existing budget.

Second, the negotiated rulemaking process had no impact on the proposed regulations for the chapter 1 program. The process did not ensure a consensus on the major issues, its prime objective, and resulted in few consensus agreements. In the chapter 1 program, negotiated rulemaking has not been successful in developing regulations and may be a factor in the delay in publication of the final regulations for this program.

Third, the public has many opportunities to participate in the development of Department of Education regulations through public comment periods. Negotiated rulemaking does not change that process and it does not lead to a better general understanding of the regulations. Moreover, it is burdensome and ineffective in education grant programs.

Finally, negotiated rulemaking may be a useful rulemaking option; however it should not be mandated by the Congress. Such a mandate is an unnecessary intrusion by the Congress on executive branch authority.

H.R. 7 is a bipartisan bill which makes major improvements in vocational education programs. It is unfortunate that this language was included in the bill and I urge my colleagues to support its repeal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. NIELSON].

The amendment was rejected.

The CHAIRMAN. The clerk will designate title III.

The text of title III is as follows:

TITLE III—APPLIED TECHNOLOGY EDUCATION OPPORTUNITIES FOR AMERICAN INDIANS AND ALASKA NATIVES

PART A—TRIBALLY CONTROLLED POSTSECONDARY APPLIED TECHNOLOGY INSTITUTIONS

SEC. 301. SHORT TITLE.

This part may be cited as the "Tribally Controlled Applied Technology Institutions Support Act of 1989".

SEC. 302. PURPOSE.

It is the purpose of this part to provide grants for the operation and improvement of tribally controlled postsecondary applied

technology institutions to ensure continued and expanded educational opportunities for Indian students, and to allow for the improvement and expansion of the physical resources of such institutions.

SEC. 303. GRANTS AUTHORIZED.

(a) **GENERAL AUTHORITY.**—*The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary applied technology institutions to provide basic support for the education and training of Indian students.*

(b) **USE OF GRANTS.**—*Amounts made available under grants made pursuant to this section may be used for—*

- (1) training costs;
- (2) educational costs;
- (3) equipment costs;
- (4) administrative costs; and
- (5) costs of operation and maintenance of the institution.

SEC. 304. ELIGIBLE GRANT RECIPIENTS.

To be eligible for assistance under this part a tribally controlled postsecondary applied technology institution shall—

- (1) be governed by a board of directors or trustees, a majority of whom are Indians;
- (2) demonstrate adherence to stated goals, a philosophy or a plan of operation which fosters individual Indian economic and self-sufficiency opportunity, including programs which are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;
- (3) have been in operation for at least 3 years;
- (4) hold accreditation with or be a candidate for accreditation by a nationally recognized accrediting authority for postsecondary applied technology education;
- (5) enrolls the full-time equivalency of not less than 100 students, of whom a majority are Indians.

SEC. 305. GRANTS TO TRIBALLY CONTROLLED POSTSECONDARY APPLIED TECHNOLOGY INSTITUTIONS.

(a) **APPLICATIONS.**—*Any tribally controlled postsecondary applied technology institution that desires to receive a grant under this part shall submit an application to the Secretary. Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this part which will allow the Secretary to audit and monitor programs.*

(b) **INITIAL GRANTS.**—*In the first year for which amounts are appropriated to carry out this part, the number of grants issued shall be not less than 2.*

(c) **CONSULTATION.**—*In making grants pursuant to this part, the Secretary shall, to the extent practicable, consult with the boards of trustees and the tribal governments chartering the institutions being considered.*

(d) **LIMITATION.**—*Amounts made available under grants made pursuant to this part shall not be used in connection with religious worship or sectarian instruction.*

SEC. 306. AMOUNT OF GRANTS.

(a) **ALLOWABLE EXPENSES.**—*Except as provided in subsection (d), the Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled applied technology institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—*

- (1) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with

handicaps and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, day care and family support programs for students and their families (including contribution to the costs of education for dependents);

(2) capital expenditures, including operations and maintenance and minor improvements and repair, physical plant maintenance costs; and

(3) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment.

(b) PAYMENTS.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall provide amounts to institutions that are approved for grants under section 305 in 2 payments.

(2) FIRST PAYMENT.—(A) The first payment shall be made before the end of the 30-day period beginning on the date of the enactment of an Act providing appropriations for such fiscal year for purposes of carrying out this part. Except as provided in subparagraph (B), such payment shall be in an amount that is equal to at least 50 percent of the amount determined to be required under subsection (a) for the preceding year.

(B) In the first year that an institution receives a grant under this part, the Secretary shall determine the amount of the first payment by estimating the costs described in subsection (a) based upon information submitted by the institution.

(3) FINAL PAYMENT.—Each institution that receives a grant under section 305 shall receive a final payment of amounts to which it is entitled based on its costs under subsection (a) not later than January 1 of the fiscal year in which the costs are incurred.

(c) ACCOUNTING.—Each institution receiving payments under this part shall annually provide to the Secretary an accurate and detailed accounting of its operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

(d) ADDITIONAL GRANTS AUTHORIZED.—

(1) GENERAL AUTHORITY.—After providing grants to all eligible institutions under subsection (a), the Secretary shall, from any amounts remaining—

(A) first allocate to institutions receiving their first grant under this part an amount equal to the training equipment costs necessary to implement training programs; and

(B) from any remaining funds, review training equipment needs at each institution receiving assistance under this part at the end of the 5-year period beginning on the first day of the first year for which the institution received a grant under this part, and provide allocations for other training equipment needs if it is demonstrated by the institution that its training equipment has become obsolete for its purposes, or that the development of other training programs is appropriate.

(2) INFORMATION.—For the purposes of carrying out this subsection, the Secretary may require from each institution the submission of such information relating to the feasibility of such training programs as is reasonable and practical.

SEC. 307. EFFECT ON OTHER PROGRAMS.

(a) IN GENERAL.—Except as specifically provided in this Act, eligibility for assistance under this Act shall not preclude any tribally controlled postsecondary applied technology institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for

the benefit of institutions of higher education or applied technology education.

(b) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary applied technology institutions are eligible under this part shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

(c) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary applied technology institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

SEC. 308. GRANT ADJUSTMENTS.

(a) ALLOCATION.—

(1) IN GENERAL.—If the sums appropriated for any fiscal year for grants under this part are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this part for such fiscal year, the Secretary shall first allocate to each such applicant which received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

(2) DETERMINATION OF PER CAPITA PAYMENT.—For purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary applied technology institutions under this part for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this part.

(b) NEEDS ESTIMATE.—The Secretary shall, based on most accurate data available from the institutions and Indian tribes whose Indian students are served under this part, in consideration of employment needs, economic development needs, population training needs, prepare an actual budget needs estimate of each institution eligible under this part for each subsequent program year, and submit such budget needs estimate to the Congress in such a timely manner as will enable the appropriate committees of the Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions.

SEC. 309. REPORT ON FACILITIES AND FACILITIES IMPROVEMENT.

(a) STUDY OF TRAINING AND HOUSING NEEDS.—

(1) STUDY REQUIRED.—The Secretary shall conduct a detailed study of the training and housing needs of each institution eligible under this part.

(2) CONTENTS OF STUDY.—The study required by paragraph (1) shall include an examination of—

(A) training equipment needs; and

(B) housing needs of families whose heads of household are students and whose de-

pendents have no alternate source of support while such heads of household are students;

(3) REPORT REQUIRED.—The Secretary shall report to the Congress not later than January 1, 1991, on the results of the study required by paragraph (1).

(4) CONTENTS OF REPORT.—The report required by paragraph (3) shall—

(A) include the number, type, and cost of meeting the needs described in paragraph (2); and

(B) rank each institution by relative need.

(5) PRIORITY.—In conducting the study required by paragraph (1), the Secretary shall give priority to institutions which are receiving assistance under this part.

(b) LONG-TERM STUDY OF FACILITIES.—

(1) STUDY REQUIRED.—The Secretary shall provide for the conduct of a long-term study of facilities of each institution eligible for assistance under this part.

(2) CONTENTS OF STUDY.—The study required by paragraph (1) shall include a 5-year projection of training facilities and equipment and housing needs and shall consider such factors as projected service population, employment and economic development forecasting, based on the most current and accurate data available from the institutions and Indian tribes affected.

(3) REPORT REQUIRED.—The Secretary shall submit to the Congress a detailed report on the results of such study not later than the end of the 18-month period beginning on the date of the enactment of this Act.

(4) PROGRESS REPORTS REQUIRED.—The Secretary shall submit to the Congress a progress report not less often than once every 6 months, beginning on the date of the enactment of this Act, concerning activities conducted pursuant to this section.

(c) CONSTRUCTION AND RENOVATION GRANTS.—Pursuant to the studies conducted and the report submitted under subsection (a) and (b), the Secretary is authorized to make grants to the tribally controlled applied technology institutions for construction, rehabilitation, major alterations and renovation of buildings and other physical structures for the conduct of programs funded under this part. Such grants shall be made in such time and pursuant to such applications as the Secretary shall by regulation determine.

SEC. 310. DEFINITIONS.

For the purposes of this Act:

(1) The terms "Indian", "Indian tribe" and "Secretary" have the meaning given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

(2) The term "tribally controlled postsecondary applied technology institution" means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered by the governing body of an Indian tribe or tribes which offers technical degrees or certificate granting programs.

(3) The term "Indian student count" means a number equal to the total number of Indian students enrolled in each tribally controlled applied technology institution, determined as follows:

(A) The registrations of Indian students as in effect on October 1 of each year.

(B) Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

(C) Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.

(D) Indian students earning credits in any continuing education program of a tribally controlled applied technology institution shall be included in determining the sum of all credit or clock hours.

(E) Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the Institution's system for providing credit for participation in such programs.

SEC. 311. APPROPRIATIONS AUTHORIZED.

(a) **IN GENERAL.**—There are authorized to be appropriated for purposes of carrying out this part \$4,000,000 for the fiscal year 1990 and such sums as are necessary for each of the 5 succeeding fiscal years. Funds appropriated pursuant to this authority shall first be used to carry out the provisions of section 305.

(b) **AVAILABILITY OF FUNDS.**—Unless otherwise provided in appropriations Acts, funds appropriated pursuant to this section shall remain available until expended.

(c) **FORWARD FUNDING.**—Except as provided in appropriations Acts, funds appropriated in any fiscal year for grants under this part may be used to fund programs provided in the current or succeeding fiscal years.

PART B—OPPORTUNITIES FOR TRIBAL ECONOMIC DEVELOPMENT

SEC. 321. TRIBAL ECONOMIC DEVELOPMENT.

The Tribally Controlled Community College Assistance Act of 1978 is amended by adding at the end the following new title:

"TITLE IV—TRIBAL ECONOMIC DEVELOPMENT

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Tribal Economic Development and Technology Related Education Assistance Act of 1989'.

"SEC. 402. GRANTS AUTHORIZED.

"(a) **GENERAL AUTHORITY.**—The Secretary is authorized, subject to the availability of appropriations, to make grants to tribally controlled community colleges which receive grants under either this Act or the Navajo Community College Act for the establishment and support of tribal economic development and education institutes. Each program conducted with assistance under a grant under this subsection shall include at least the following activities:

"(1) Determination of the economic development needs and potential of the Indian tribes involved in the program, including agriculture and natural resources.

"(2) Development of consistent courses of instruction to prepare postsecondary students, tribal officials and others to meet the needs defined under paragraph (1). The development of such courses may be coordinated with secondary institutions to the extent practicable.

"(3) The conduct of applied technology courses, including administrative expenses and student support services.

"(4) Technical assistance and training to Federal, tribal and community officials and business managers and planners deemed necessary by the institution to enable full implementation of, and benefits to be derived from, the program developed under paragraph (1).

"(5) Clearinghouse activities encouraging the coordination of, and providing a point for the coordination of, all applied technology activities (and academically related training) serving all students of the Indian tribe involved in the grant.

"(6) The evaluation of such grants and their effect on the needs developed under paragraph (1) and tribal economic self-sufficiency.

"(b) **AMOUNT AND DURATION.**—The grants shall be of such amount and duration as to afford the greatest opportunity for success and the generation of relevant data.

"(c) **APPLICATIONS.**—Institutions which receive funds under other titles of this Act or the Navajo Community College Act may apply for grants under this title either individually or as consortia. Each applicant shall act in cooperation with an Indian tribe or tribes in developing and implementing a grant under this part.

"SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for grants under this part \$2,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the 5 succeeding fiscal years."

SEC. 322. FACILITIES.

Section 112 of the Tribally Controlled Community College Assistance Act of 1978 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary shall enter into a contract with an organization described in paragraph (2) to establish and provide on an annual basis criteria for the determination and prioritization in a consistent and equitable manner of the facilities construction and renovation needs of colleges that receive funding under this Act or the Navajo Community College Act.

"(2) An organization described in this section is any organization that—

"(A) is eligible to receive a contract under the Indian Self-Determination and Education Assistance Act; and

"(B) has demonstrated expertise in areas and issues dealing with tribally controlled community colleges.

"(3) The Secretary shall include the priority list established pursuant to this subsection in the budget submitted annually to the Congress."

PART C—OPPORTUNITIES FOR INDIAN SECONDARY STUDENTS IN BUREAU OF INDIAN AFFAIRS FUNDED SCHOOLS

SEC. 331. INDIAN STUDENTS IN BUREAU OF INDIAN AFFAIRS FUNDED SECONDARY SCHOOLS.

Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new paragraph:

"(6)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of .25 for each eligible Indian student enrolled in a secondary education program offering a coherent course of subjects providing training leading to a competency in a technological skill.

"(B) The adjustment required under subparagraph (A) shall be used for the first

fiscal year and each succeeding fiscal year for which there is an increase in the funds appropriated for allotment under this section specifically for the implementation of this paragraph."

PART D—TRIBAL PROGRAM IMPROVEMENTS

SEC. 341. INDIAN AND NATIVE HAWAIIAN PROGRAMS.

Section 103 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2313) is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary may not place upon grants or contracts entered into under this paragraph any restrictions relating to programs or outcomes other than restrictions which apply to grants made to or contracts entered into with States under section 101. The Secretary, in making grants under this paragraph, shall give special consideration to grants which involve, coordinate with, or encourage tribal economic development plans."

The CHAIRMAN. Are there any amendments to title III?

Are there any further amendments?

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: At the end of the bill add the following new title:

"TITLE V. PROHIBITION AGAINST THE USE OF FEDERAL FUNDS BY SCHOOL DISTRICTS AND COMMUNITY COLLEGES WHICH OFFER APPLIED TECHNOLOGY PROGRAMS AND WHICH PROHIBIT VOLUNTARY SCHOOL PRAYER

"No funds shall be made available under any applicable program in this Act to any state or local educational agency which has a policy of denying or which effectively prevents participation in prayer in public schools by individuals on a voluntary basis."

Mr. DANNEMEYER. Madam Chairman, there is a crisis in public education in this country, and no one can deny that. My amendment relates to an effort to correct the crisis.

There are twin goals in education in any society. One deals with the education of competence, which is the subject matter essentially of this bill. The other, of equal importance, is the education of conscience. Since 1962 we have denied the school children of this country from the equally important task in education; namely, dealing with the education of conscience. That is the reason behind the offering of the amendment.

If we look back on the inauguration ceremony, we find that the President of the United States took the oath of office on a Bible on which George Washington took the oath of office when he became our President a little over 200 years ago. At the inauguration ceremony, one of the great evangelical leaders of this world, Billy Graham, gave a prayer, the closing petition of which contained an express reference to the triune God. Each day we begin the deliberations of this body

we have a Chaplain paid for by the taxpayers who recites a prayer, and the same on the Senate side. The U.S. Supreme Court daily opens its deliberations with a recitation "God save this honorable Court." Our institutions are clearly founded on the existence of a Creator, an almighty God that created this world.

I would also like to cite to my colleagues a book that was written by David Barton, published in 1988, that has a series of interesting comparisons on what has happened to our culture from the time that our society, through the Supreme Court of the United States in 1962, removed opening day voluntary prayer in the public schools of America. On SAT scores in 1962, the average was 970. By 1986 it had declined to about 908. In teenage pregnancies, birth rates for unwed women 15 to 19 years of age, births per 1,000 unwed women in 1962 was about 15, and the latest figure for 1983 is about 28.

□ 1740

Pregnancies to unwed women under 15 years of age, in 1962, total live births and abortions, at that time was about 5, and now we find in the current year of 1983 that number had risen to some 21 per thousand.

Pregnancies to unwed women 15 to 19 years of age in 1962 was 100 per 100,000, by 1983 the latest figure available, about 540 per 100,000.

Sexually transmitted diseases, gonorrhea, the group 10 to 14 years of age, in 1962 the level was 14 per 100,000; in 1985 that is 44 per 100,000.

Sexually transmitted diseases, gonorrhea, age group 15 to 19, in 1962 it was 400 per 100,000; in 1985 it was up to about 1,150 per 100,000.

Suicide rates in the age group 20 to 24, 1962 was 8 per 100,000, by 1983, the latest year for which the figures are available, it had doubled almost to 15.

Divorces in this country in 1962 the average rate per 1,000 of total population was 2.2, and the most recent year available, 1980-83, it is more than doubled to 5.1.

Unmarried couples living together in 1982, we had a total of some 439 per 1,000, and by the latest year for which figures are available, 1985, that figure had risen to 1,983 per 100,000.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(By unanimous consent Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Violent crime in the United States, number of offenses in 1962, 255 per 100,000; by 1986 it had risen to 1,327 per 100,000.

Alcohol consumption per capita in the United States, 2 gallons per capita in 1962 approximately; in 1983 it had risen to 2.6.

The national estimate of child abuse and neglect reports, in 1976, the earliest year for which this is available, 669 per 100,000; in 1985 it had risen to 1,928 per 100,000; child abuse reporting rates, cases per 1,000 children, 1976 it was 10.1 per 1,000, by 1985 it had escalated to 30.6 per 1,000.

Illegal drug use among youths age 12 to 25, marijuana, 1972, 14 percent of the children in those age groups; by 1982 it had risen to 26.7; hashish, 47.9 in 1972 and 64.1 percent in 1982; cocaine in 1972, 1.5 percent of drug use among ages 12 to 25, 1.5 percent; in 1982 it was 6.5 percent.

Drug use among young adults, high school seniors who had tried marijuana, 4 percent in 1962, 51 percent in 1982.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. DANNEMEYER was allowed to proceed for 1 additional minute.)

Mr. DANNEMEYER. Now, Madam Chairman, you may not agree with the correlations that this author has come up with, David Barton, but it is a disturbing study in the correlation between what this society of ours did through the decision of the U.S. Supreme Court in 1962 saying that we no longer would have voluntary prayer in public schools, and I think the minimum thing that we could do here today is to adopt this amendment.

This Member from California would have preferred to offer a constitutional amendment on this subject but it would not be germane to this bill. This is why I have approached the matter from the offering of this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. GEKAS and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 3 additional minutes.)

Mr. GEKAS. Madam Chairman, would the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Madam Chairman, I intend to vote for the amendment, but I do have a question about it which will help us develop it as we move along. That question is: There are many school boards across the country, I think, who are willing to legislate a moment of silence of a moment of meditation without using the word "prayer."

I am wondering whether or not the language as strictly construed in the amendment of the gentleman from California would prevent a moment of silence of a moment of meditation as contrasted to or as might be included in the word "prayer."

Does the gentleman from California have any thoughts on that?

Mr. DANNEMEYER. I do not think the language of my amendment would

preclude the moment of silence because I think the moment of silence would be considered within the context of the express language of the amendment.

Mr. GEKAS. If the gentleman would yield further, it says "or which effectively prevents participation in prayer in public schools by individuals." I think we ought to keep watch on this.

I think many of us want to support the spirit of the amendment, but we ought to watch, as this progresses, the exact meaning of the individual phrases. I thank the gentleman.

Mr. DANNEMEYER. Madam Chairman, I can say to my colleague from Pennsylvania—and I thank him for his comment—that poll after poll in this country has made very clear that the vast majority of the American public want this to happen. The poll that I have reference to is the CBS-New Times poll in July 1987 that showed that 66 percent of the people in this country favor it, 27 percent are opposed, and it did not make any difference particularly between Democrats, independents, Republicans. The percentages were about the same.

It is not a partisan issue. It is something the American public wants to happen overwhelmingly.

Since 1962 when this decision of the U.S. Supreme Court came down precluding voluntary prayer in public schools in America, I am only aware that in one instance that the House has voted on a constitutional amendment that would have in effect permitted the States of the Union to override the decision of the Supreme Court.

As I said earlier, I would have hoped that we could present a constitutional amendment so that Members could vote on that, but it would not be germane to this bill. So in place of that proposed constitutional amendment I have offered this amendment.

Mr. GOODLING. Madam Chairman, I move to strike the last word merely to say if I thought this amendment would correct all of those problems that were just recited, I would say, "Let's put it on every piece of legislation that comes down the pike."

But you know and I know, probably, that home is the only place that is going to do very much about correcting those problems.

So I suppose it is a copout to say, "Well, you know, let's let the schools do it." But I have some questions.

When you look at this "no funds shall be made available under any applicable program in this act to any State or local educational agency which has a policy of denying or which effectively prevents participating in prayer in public schools by individuals on a voluntary basis."

Now my first question is how do you prevent anyone from voluntarily praying? Now if that is not what the

amendment means, then we ought to say what the amendment really means is that you will state that there will be voluntary prayer in your school.

Now when does that take place? "Johnnie, what is the answer to this question?"

"Sorry, Teach, I am voluntarily praying. I will be up with an answer, if my prayers get answered, a little bit later."

I want to correct all those evils the gentleman from California talked about. I know that only myself as a parent is going to have very much to do with that. I think we want to be very, very sure here that we are not writing into this that not only must they allow voluntary prayer—and I do not know how you stop that—but secondly are we somehow or other mandating that they state a certain time that you have voluntary prayer? Or what are we doing?

□ 1750

The God I pray to, and his son, and sometimes one time, sometimes 20 times a day. Just a few minutes ago when I saw this amendment, as a matter of fact, would not be very happy if he thought I was only doing it, or she, simply because I mandated to do it. I think that they will not be very happy with my praying in that manner. I always tell them in churches back home when they write me those letters, in the last paragraph it says, "I am praying to you," in the last paragraph it says, "I am praying to you," I appreciate that. But let me tell Members when it is written in such a manner where it is actually saying, "Brother, I am praying for you," I resent that holier than thou, et cetera, attitude.

So I just want to make sure that this amendment somehow or other is not saying that we are mandating a certain period of voluntary prayer in, I don't know when they are taking a vocational education course or in shop or wherever it may be, because I do not believe Members can stop voluntary prayer.

Mr. DANNEMEYER. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. DANNEMEYER. It is the intent of this amendment, I will share with my colleague from Pennsylvania, that there is no effort on my part as the author of this amendment to mandate that we have voluntary prayer in public schools. It is just to authorize a school district to do that if the local trustees choose to do that, and the timing of it, I do not think we have to put this here when it takes place. That is a decision a local school district makes.

Mr. GOODLING. But the gentleman said if the local trustees decide to do it, but I do not quite read it that way.

I understand if they do not do it, they do not get any funds. Am I wrong?

Mr. DANNEMEYER. That is right, no funds can be used if they have a policy that says they cannot do it. It means if they want to get the money, they have to have a policy that tolerates it.

Mr. GOODLING. Did you pray about this?

Mr. GEKAS. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. We gather that the intent, those Members who are talking about this are in favor of your basic proposition, so we want to try to help make it work.

It appears that the negative way in which the gentleman has posed the language means that if they take no position, that is, if we give them the opportunity to choose as we were discussing here, that that is preferable to mandating prayer. As a matter of fact, that would be unconstitutional if we mandated prayer. Is the gentleman not really intending here to say that if a school district actively prohibited prayer in school, then the funds would be stripped, but if they do not say anything about it all, then their funds will not be cut off?

Mr. DANNEMEYER. That is a correct statement. If there is nothing in the policy of the school district that prohibits it, then it would be in compliance with the amendment.

Mr. GEKAS. Then we have to go a step further. It seems to determine what is meant by either the prayer, the voluntary prayer about which the amendment speaks.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. What we want to do as we go along and I will seek help here in a moment, to make sure the final meaning of what the gentleman from California is attempting to do here is give the school districts and ultimately the students the opportunity to choose, not to mandate prayer, but make the school districts to not prohibit the opportunity to choose, to utter voluntary prayer.

Mr. DANNEMEYER. The gentleman has correctly interpreted the sense of this amendment, and I thank the gentleman for his contribution.

Mr. GOODLING. Madam Chairman, I yield back the balance of my time.

Mr. BARTON of Texas. Madam Chairman, I move to strike the requisite number of words.

I will not take very long. I know the hour is late.

I want to rise in support of the amendment of the gentleman from California [Mr. DANNEMEYER]. The gentleman referred to a study earlier by a gentleman named David Barton, no relation to myself, but I have met with that gentleman, and I have received several copies of the documents that have been referred to. They are very interesting reading, and I would encourage every Member of Congress to take the time to get that booklet and read it.

I, as the gentleman from California [Mr. DANNEMEYER], would support a constitutional amendment allowing voluntary school prayer in our public schools since that amendment has to come before the Committee on the Judiciary which stated several times they plan not to allow the amendment on to the floor. I think it is a worthwhile effort to put the issue of voluntary prayer before the American people.

As the gentleman from California [Mr. DANNEMEYER] stated, somewhere in the neighborhood of 80 to 85 percent of the American public supports voluntary school prayer, and I would urge the adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. HENRY. Madam Chairman, I move to strike the requisite number of words.

I hate to belabor the point, but the issue is critical and the one which sometimes perhaps dares to giggle about and position about and position over. I know that is not the intent of the gentleman, either.

I think if we are going to move forward on this amendment, I think the record has to show two very, very clear things. I would suggest these. One, I think we have to be very clear that, and I support the intent of the amendment, as I understand it. For that reason if there is a vote on it, I vote for it, but I want the record to show very clearly that I believe the amendment as drawn has technical deficiencies which have to be addressed either by the other body or in conference, because I think the amendment in the present wording is technically, legally deficient.

A very practical matter, I do not know when to provide or what point of opportunity, a period for what I presume is meant to be silent prayer or meditation in a community college environment when we do not have kids on a regular schedule as opposed to K-12, when we know the school day begins and ends.

Perhaps more importantly and second, I also want the record very clearly to show, and I support the intent of the amendment, although I believe the amendment needs work, I think it is very important that the sponsor confirm this, just to ensure that the intent of the amendment is

constitutionally protected. May I ask the gentleman, very clearly, is he willing to state for the record that the intent of the language is neither to legislatively encourage nor legislatively discourage the practice of prayer, but simply to provide opportunity for silent prayer?

Mr. DANNEMEYER. The gentleman has correctly interpreted the intent of the author of this amendment.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. HENRY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I think my question was answered. I was going to ask by the way in which the gentleman raised the question, but I was concerned about the word "silent." Is your intent voluntary silent prayer?

Mr. DANNEMEYER. I would, in answer to the gentleman's question that was earlier asked by the gentleman from Pennsylvania [Mr. GEKAS], when you use the word "prayer," that includes both an expressed and a silent prayer. Both forms would be authorized under this, the terms of this amendment. That is the intention of the author with respect to that issue.

Mr. GOODLING. It is beyond silent prayer. Does the gentleman not also have to specifically set aside a period for that prayer?

Mr. DANNEMEYER. I do not think it is necessary to do that. I think the logic of the people would tell Members that ordinarily when we begin public events in our society, we do that at the beginning of the day or beginning of the proceeding. We have a prayer here at the beginning of the House proceeding, not the middle or end.

Mr. GOODLING. I realize the logic and realize there are an awful lot of people who have the intent to destroy what Members are trying to do, and therefore they will have all sorts of prayers uttered audibly at any time while someone is conducting class, while lecturing, et cetera. That is why I think if it is silent prayer, then it can be any time. If it is audible prayer, it seems to me we have to specify in your amendment that there is a time for such.

Mr. DANNEMEYER. It is the intention of the offerer that this take place, whatever the activity is, at the beginning of the school day.

Mr. GOODLING. Madam Chairman, I thank the gentleman for yielding.

Mr. HENRY. Madam Chairman, I yield back the balance of my time.

□ 1800

Mr. EDWARDS of California. Madam Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Madam Chairman, I just learned of the amendment offered by the gentleman from California [Mr. DANNE-

MEYER]. If we are serious about this very valuable bill and want to see it declared unconstitutional, we can just add an unconstitutional amendment to it.

If there is one thing the first amendment of the Constitution is very clear about in all of the cases regarding prayer in public schools, it is that the Government shall not be tilting toward religion. This is something that Thomas Jefferson felt very strongly about and insisted on when he wrote the Constitution for Virginia, and it made a lot of sense. There were dozens and dozens of religions when our country was founded, and it would not have worked at all not to have had total freedom of religion. Today, when we have even more religions, it is perilous to think that the Government—and we are talking about the Government making up a prayer, because the subject is public schools—will decide what the prayer will be and what kind of a prayer the children are going to be subjected to.

There are probably 600 to 700 religions in this country, including hermits. I just cannot begin to name the different religions we have in this country. If one of them is entitled to offer the prayer, why should the Government decide what the prayer is going to be?

So it is a perilous thing.

Mr. DANNEMEYER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to my friend, the gentleman from California.

Mr. DANNEMEYER. Madam Chairman, in 1892 the U.S. Supreme Court made an exhaustive study of the supposed connection between Christianity and the Government of the United States. After reviewing hundreds of volumes of historical documents, the court asserted: "These references add a volume of unofficial declarations to the mass of organic utterances that this is a religious people, a Christian nation."

Likewise, in 1931, Supreme Court Justice George Sutherland reviewed the 1892 decision in reference to another case and reiterated that Americans are a Christian people.

In 1952, Justice William O. Douglas affirmed that we are a religious people and that our institutions presuppose a supreme being.

Mr. EDWARDS of California. Madam Chairman, I decline to yield further.

Madam Chairman, I have no objection to what the gentleman from California said, but there is nobody here who can certify that great harm will not be done by having the Government get into this business. If the Government is going to be making up the prayers, it is going to deeply offend certain people who are devout in what they believe, that certain chil-

dren are not and should not be subjected to Government-inspired prayer.

Mr. HENRY. Madam Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. HENRY. Madam Chairman, I am trying to help us get through this sticky wicket, quite frankly. I agree with everything the gentleman has said. My understanding is that we are not talking or the sponsor is not talking about a State-authored prayer of any sort. That is why also in addition I asked the gentleman, for purposes of the record, to make clear two very important points.

The first was that he acknowledge that the language needs work. The problem is that I know he is not going to withdraw his amendment because he is not going to have time to refine it or resubmit it. What he is trying to do is to get a vehicle for hopefully pursuing it as the legislation progresses. I do not object to that because, quite frankly, I would like to see some of what the gentleman is trying to do. I think it can partially be addressed appropriately.

But, second, I want it made very clear in the RECORD, to meet the constitutional test the gentleman has just referred to, that the effort is not to legislatively encourage or legislatively discourage the practice of prayer or to institute religious rights as a matter of public policy. I think if we can establish that clearly for the record, we have then preserved, quite frankly, the possibility for the gentleman from California to pursue refinement that may stand debate on the merits.

Quite frankly, we have somewhat of a red herring before us, because I think I am supportive of what the gentleman is trying to do, but the language on its face is, I think, quite problematical. I am trying to get us beyond this point, quite frankly, so some of us who support addressing the issue do not get stuck voting on language without some qualification which I have tried to get into the RECORD, and likewise so the gentleman on the other side of the question are not appearing as if they are opposed to the Deity. In fact, I am sure that is not what they want. I am trying to depoliticize the issue and make our position very plain on that.

The CHAIRMAN. The time of the gentleman from California [Mr. EDWARDS] has expired.

(On request of Mr. HENRY, and by unanimous consent, Mr. EDWARDS of California was allowed to proceed for 30 additional seconds.)

Mr. HENRY. Madam Chairman, will the gentleman yield further?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. HENRY. Madam Chairman, I do not want this to be used artificially as a

politicizing vote on either side if it comes to a voice vote or to the point where we are tagged as being pro-God, anti-God, pro-prayer, or anti-prayer, because the issue is too serious for that. I would like to see the gentleman have a chance to pursue this in conference by accepting it with the provisions he has agreed to.

Mr. EDWARDS of California, Madam Chairman, I thank the gentleman for his observation, but I want to point out that if my colleagues vote for this amendment, they are voting to have the Government write prayers and to subject American children in our public schools to whatever the Government decides shall be the prayer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 135, not voting 30, as follows:

[Roll No. 47]

AYES—269

Andrews	Derrick	Holloway
Anthony	DeWine	Hopkins
Applegate	Dickinson	Horton
Archer	Donnelly	Hubbard
Army	Dorgan (ND)	Huckaby
Baker	Douglas	Hughes
Ballenger	Dreier	Hunter
Barnard	Duncan	Hutto
Bartlett	Durbin	Hyde
Barton	Dyson	Inhofe
Bennett	Eckart	Ireland
Bentley	Edwards (OK)	Jacobs
Bereuter	Emerson	James
Bevill	English	Jenkins
Bilbray	Erdreich	Johnson (CT)
Bilirakis	Espy	Johnson (SD)
Billey	Fawell	Jones (NC)
Boggs	Fields	Kanjorski
Boucher	Flake	Kasich
Broomfield	Frenzel	Kolbe
Browder	Galleghy	Kolter
Brown (CO)	Gaydos	Kyl
Bruce	Gekas	Lagomarsino
Bryant	Gibbons	Lancaster
Buechner	Gillmor	Laughlin
Bunning	Gingrich	Lent
Burton	Glickman	Lewis (CA)
Byron	Goodling	Lewis (FL)
Callahan	Gordon	Lightfoot
Campbell (CO)	Goss	Lipinski
Carper	Gradison	Livingston
Carr	Grandy	Lloyd
Chandler	Grant	Long
Chapman	Gray	Lowery (CA)
Clarke	Gunderson	Luken, Thomas
Clement	Hall (OH)	Lukens, Donald
Clinger	Hall (TX)	Machtley
Coble	Hamilton	Madigan
Coelho	Hammerschmidt	Marlenee
Coleman (MO)	Hancock	Martin (IL)
Combest	Hansen	Martin (NY)
Conte	Harris	Martinez
Cooper	Hastert	Mazzoli
Costello	Hayes (LA)	McCandless
Cox	Hefley	McCloskey
Craig	Hefner	McCrery
Dannemeyer	Henry	McDade
Darden	Herger	McEwen
Davis	Hiler	McMillen (MD)
de la Garza	Hoagland	McNulty

Meyers	Richardson	Smith, Robert
Mfume	Ridge	(OR)
Michel	Rinaldo	Snowe
Miller (OH)	Ritter	Solomon
Mollinari	Roberts	Spence
Mollohan	Robinson	Spratt
Montgomery	Roe	Staggers
Moorhead	Rogers	Stallings
Morrison (WA)	Rohrabacher	Stangeland
Murphy	Rose	Stearns
Murtha	Rostenkowski	Stenholm
Myers	Roth	Stump
Natcher	Roukema	Sundquist
Neal (NC)	Rowland (CT)	Tallon
Nelson	Rowland (GA)	Tanner
Nielson	Russo	Tauke
Nowak	Saiki	Tauzin
Ortiz	Sangmeister	Thomas (CA)
Owens (UT)	Sarpallus	Thomas (GA)
Oxley	Saxton	Thomas (WY)
Packard	Schaefer	Trafigant
Pallone	Schneider	Upton
Parker	Schuetze	Valentine
Parris	Schulze	Vander Jagt
Pashayan	Sensenbrenner	Volkmer
Patterson	Sharp	Vucanovich
Paxon	Shaw	Walgren
Payne (VA)	Shumway	Walker
Penny	Shuster	Walsh
Perkins	Skeen	Watkins
Petri	Skelton	Weldon
Pickle	Slattery	Whittaker
Poshard	Slaughter (VA)	Whitten
Price	Smith (MS)	Wise
Pursell	Smith (NE)	Wolf
Quillen	Smith (NJ)	Wyden
Rahall	Smith (TX)	Wyllie
Ravenel	Smith, Denny	Yatron
Ray	(OR)	Young (AK)
Regula	Smith, Robert	Young (FL)
Rhodes	(NH)	

NOES—135

Akaka	Gallo	Morrison (CT)
Anderson	Gejdenson	Mrazek
Annunzio	Gephardt	Nagle
Aspin	Gilman	Oakar
Atkins	Gonzalez	Oberstar
AuCoin	Green	Olin
Beilenson	Guarini	Owens (NY)
Berman	Hatcher	Panetta
Boehlert	Hawkins	Payne (NJ)
Bonior	Hayes (IL)	Pease
Borski	Hertel	Pelosi
Bosco	Hochbrueckner	Pickett
Boxer	Houghton	Rangel
Brennan	Hoyer	Sabo
Brown (CA)	Johnston	Savage
Bustamante	Jones (GA)	Sawyer
Campbell (CA)	Jontz	Scheuer
Cardin	Kaptur	Schiff
Clay	Kastenmeier	Schroeder
Coleman (TX)	Kennedy	Schumer
Collins	Kennelly	Shays
Conyers	Kildee	Sikorski
Coughlin	Kleczka	Sisisky
Coyne	Kostmayer	Skaggs
DeFazio	LaFalce	Slaughter (NY)
Dellums	Lantos	Smith (FL)
Dicks	Leach (IA)	Smith (IA)
Dingell	Lehman (CA)	Smith (VT)
Dixon	Lehman (FL)	Solarz
Downey	Levin (MI)	Stokes
Dwyer	Levine (CA)	Studds
Dymally	Lewis (GA)	Swift
Early	Lowey (NY)	Synar
Edwards (CA)	Manton	Torres
Engel	Markey	Torricelli
Evans	Matsui	Towns
Fazio	Mavroules	Traxler
Feighan	McDermott	Unsoeld
Fish	McHugh	Vento
Foglietta	Miller (CA)	Visclosky
Foley	Miller (WA)	Waxman
Ford (MI)	Mineta	Weiss
Ford (TN)	Moakley	Williams
Frank	Moody	Wolpe
Frost	Morella	Yates

NOT VOTING—30

Ackerman	Courter	Fascell
Alexander	Crane	Filippo
Bateman	Crockett	Florio
Bates	DeLay	Garcia
Brooks	Dornan (CA)	Leath (TX)

Leland	Neal (MA)	Stark
McCollum	Obey	Udall
McCurdy	Pepper	Weber
McGrath	Porter	Wheat
McMillan (NC)	Roybal	Wilson

□ 1827

Mr. PANETTA and Mr. GONZALEZ changed their votes from "aye" to "no."

Mr. GIBBONS, Mrs. MARTIN of Illinois, Mr. McCLOSKEY, and Mr. MFUME changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. OBEY. Madam Chairman, I move to strike the last word.

Madam Chairman, I got to the House floor with no time left on the clock, trying to determine what the nature was of the amendment upon which we just voted. I went to the majority side of the committee to ask if they had a copy that I might read. They indicated that they did not.

I went to the desk and asked if they had a copy. They indicated they would try to make some copies so that Members might understand what they are voting on. I appreciate that effort, but the fact is that if we are going to deal with each other civilly in a body like this, we have a right to know what it is we are voting on. The rules of the House, as I understand it, require there be at least 12 copies of amendments made available in case you had the quaint idea you ought to be able to read the amendment you are voting on before you vote on it.

I would respectfully ask any Members of this House who produce an amendment in the future, whether it is about God, prayer, denying funds, or any other subject, to at least meet the spirit of the rules by enabling each and every one of us to read a copy of the amendment before we vote on it.

□ 1830

Mr. DANNEMEYER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would say to my colleague who just was in the well of the House that this amendment was available. We discussed it in debate, in open debate, on the floor of the House. We all know that we have a TV monitor in our offices for those who are not in attendance.

There was never any effort on the part of the offeror of this amendment to deny or hide what it was about. There was a full debate on the floor of the House. I am only sorry that my colleague was not able to come to the floor and participate in the debate so that we may have the good wisdom of his observations as to whether or not this is or is not good public policy.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY], having assumed the Chair, Ms. PELOSI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such Act through the fiscal year 1995, pursuant to House Resolution 143, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. QUILLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 3, not voting 29, as follows:

[Roll No. 48]

AYES—402

Akaka	Boggs	Clarke
Anderson	Bonior	Clay
Andrews	Borski	Clement
Annunzio	Bosco	Clinger
Anthony	Boucher	Coble
Applegate	Boxer	Coelho
Archer	Brennan	Coleman (MO)
Armey	Broomfield	Coleman (TX)
Aspin	Browder	Collins
Atkins	Brown (CA)	Combest
AuCoin	Brown (CO)	Conte
Baker	Bruce	Conyers
Ballenger	Bryant	Cooper
Barnard	Buechner	Costello
Bartlett	Bunning	Coughlin
Barton	Burton	Cox
Bellenson	Bustamante	Dannemeyer
Bennett	Byron	Darden
Bentley	Callahan	Davis
Bereuter	Campbell (CA)	de la Garza
Berman	Campbell (CO)	DeFazio
Bevill	Cardin	Dellums
Bilbray	Carper	Derrick
Bilirakis	Carr	DeWine
Billey	Chandler	Dickinson
Boehlert	Chapman	Dicks

Dingell	Jones (GA)	Pashayan
Dixon	Jones (NC)	Patterson
Donnelly	Jontz	Paxon
Dorgan (ND)	Kanjorski	Payne (NJ)
Douglas	Kaptur	Payne (VA)
Downey	Kasich	Pease
Dreier	Kastenmeier	Pelosi
Duncan	Kennedy	Penny
Durbin	Kennelly	Perkins
Dwyer	Kildee	Petri
Dymally	Klecicka	Pickett
Dyson	Kolbe	Pickle
Early	Kolter	Porter
Eckart	Kostmayer	Poshard
Edwards (CA)	LaFalce	Price
Edwards (OK)	Lagomarsino	Pursell
Emerson	Lancaster	Quillen
Engel	Lantos	Rahall
English	Laughlin	Rangel
Erdreich	Leach (IA)	Ravenel
Espy	Lehman (CA)	Ray
Evans	Lehman (FL)	Regula
Fawell	Lent	Rhodes
Fazio	Levin (MI)	Richardson
Feighan	Levine (CA)	Ridge
Fields	Lewis (CA)	Rinaldo
Fish	Lewis (FL)	Ritter
Flake	Lewis (GA)	Roberts
Foglietta	Lightfoot	Robinson
Foley	Lipinski	Roe
Ford (MI)	Livingston	Rogers
Ford (TN)	Lloyd	Rohrabacher
Frank	Long	Rose
Frenzel	Lowery (CA)	Rostenkowski
Frost	Lowey (NY)	Roth
Galleghy	Luken, Thomas	Roukema
Gallo	Lukens, Donald	Rowland (CT)
Gaydos	Machtley	Rowland (GA)
Gedjenson	Madigan	Russo
Gekas	Manton	Sabo
Gephardt	Markey	Saiki
Gibbons	Marlenee	Sangmeister
Gillmor	Martin (IL)	Sarpalius
Gilman	Martin (NY)	Savage
Gingrich	Martinez	Sawyer
Glickman	Matsui	Saxton
Gonzalez	Mavroules	Schaefer
Goodling	Mazzoli	Schiff
Gordon	McCandless	Schneider
Goss	McCloskey	Schroeder
Gradison	McCrery	Schuette
Grandy	McDade	Schulze
Grant	McDermott	Schumer
Gray	McEwen	Sensenbrenner
Green	McHugh	Sharp
Guarini	McMillan (NC)	Shaw
Gunderson	McMillen (MD)	Shays
Hall (OH)	McNulty	Shumway
Hall (TX)	Meyers	Shuster
Hamilton	Mfume	Sikorski
Hammerschmidt	Michel	Sisisky
Hancock	Miller (CA)	Skaggs
Hansen	Miller (OH)	Skeen
Harris	Miller (WA)	Skelton
Hastert	Mineta	Slattery
Hatcher	Moakley	Slaughter (NY)
Hawkins	Mollinari	Slaughter (VA)
Hayes (IL)	Mollohan	Smith (FL)
Hayes (LA)	Montgomery	Smith (IA)
Hefley	Moody	Smith (MS)
Hefner	Moorhead	Smith (NE)
Henry	Morella	Smith (NJ)
Herger	Morrison (CT)	Smith (TX)
Hertel	Morrison (WA)	Smith (VT)
Hiller	Mrazek	Smith, Denny
Hoagland	Murphy	(OR)
Hochbrueckner	Murtha	Smith, Robert
Holloway	Myers	(NH)
Hopkins	Nagle	Smith, Robert
Horton	Natcher	(OR)
Houghton	Neal (NC)	Snowe
Hoyer	Nelson	Solarz
Hubbard	Nielson	Solomon
Huckaby	Nowak	Spence
Hughes	Oakar	Spratt
Hunter	Oberstar	Staggers
Hutto	Obey	Stallings
Hyde	Olin	Stangeland
Inhofe	Ortiz	Stearns
Ireland	Owens (NY)	Stenholm
Jacobs	Owens (UT)	Stokes
James	Oxley	Studds
Jenkins	Packard	Sundquist
Johnson (CT)	Pallone	Swift
Johnson (SD)	Panetta	Synar
Johnston	Parker	Tallon

Tanner	Valentine	Wheat
Tauke	Vander Jagt	Whittaker
Tauzin	Vento	Whitten
Thomas (CA)	Visclosky	Williams
Thomas (GA)	Volkmer	Wise
Thomas (WY)	Vucanovich	Wolf
Torres	Walgren	Wolpe
Torricelli	Walker	Wyden
Towns	Walsh	Wyllie
Traficant	Watkins	Yates
Traxler	Waxman	Yatron
Unsoeld	Weiss	Young (AK)
Upton	Weldon	Young (FL)

NOES—3

Craig	Kyl	Stump
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NOT VOTING—29

Ackerman	Dornan (CA)	Neal (MA)
Alexander	Fascell	Parris
Bateman	Flippo	Pepper
Bates	Florio	Royal
Brooks	Garcia	Scheuer
Courter	Leath (TX)	Stark
Coyne	Leland	Udall
Crane	McCollum	Weber
Crockett	McCurdy	Wilson
DeLay	McGrath	

□ 1850

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read "A bill to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such act and to extend the authorities contained in such Act through the fiscal year 1995, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 7, APPLIED TECHNOLOGY EDUCATION AMENDMENTS OF 1989

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 7, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill just passed, H.R. 7, the Applied Technology Education Amendments of 1989.

The SPEAKER pro tempore (Mr. McCloskey). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 7, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 170) designating May 1989, as "National Digestive Disease Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to inform the House that the chief sponsor of House Joint Resolution 170, our honored colleague from Florida, Mr. PEPPER, is unable to be on the House floor, but has sponsored this resolution in previous Congresses and continues to be a strong advocate for educating our Nation on digestive diseases as well as other serious health problems.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 170 designating May 1989, as "National Digestive Disease Awareness Month," and commend the distinguished gentleman from Florida [Mr. PEPPER], who is the chief sponsor of this resolution.

Mr. Speaker, over 20 million Americans suffer from chronic digestive disease. Over 14 million cases of acute digestive diseases are treated each year, and represent one of our Nation's most serious health problems.

Mr. Speaker, this year marks the seventh anniversary of the coordinated effort of the National Digestive Disease Education Program to provide information on the prevention, control, and treatment of digestive diseases.

I regret that the distinguished gentleman from Florida [Mr. PEPPER], could not be here today and I know I speak for all of my colleagues in wishing him a speedy recovery. Mr. PEPPER has championed the cause of educating all Americans in recognizing the disastrous effects of digestive diseases. Mr. PEPPER's efforts have heightened awareness of the devastating manner in which diseases of the digestive system affect millions of Americans.

I urge my colleagues to join in supporting this resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 170

Whereas digestive diseases rank third among illnesses in total economic cost in the United States;

Whereas digestive diseases represent one of the Nation's most serious health problems in terms of discomfort and pain, personal expenditures for treatment, working hours lost, and mortality;

Whereas twenty million Americans suffer from chronic digestive diseases;

Whereas more than fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common acute infections;

Whereas more Americans are hospitalized with digestive diseases than any other type of disease;

Whereas digestive diseases necessitate 25 per centum of all surgical operations;

Whereas digestive diseases are one of the most prevalent causes of disability in the work force;

Whereas in the United States digestive diseases cause yearly expenditures of over \$17,000,000,000 in direct health care costs and a total annual economic burden of nearly \$50,000,000,000;

Whereas more than one hundred different digestive diseases, and other disorders of the gastrointestinal tract, each cause more than two hundred thousand deaths each year;

Whereas there has been interest on the part of the research community in the causes, cures, prevention, and clinical treatment of digestive diseases and related nutritional problems;

Whereas the people of the United States should recognize prevention and treatment of digestive diseases as a major health priority;

Whereas national organizations, such as the Digestive Disease National Coalition, are committed to increasing awareness and understanding of digestive diseases in the health care community and among members of the general public;

Whereas the National Institutes of Health, through the National Digestive Disease Information Clearinghouse and the National Digestive Diseases Advisory Board, is committed to encouraging and coordinating such educational efforts;

Whereas the National Digestive Disease Education Program is a coordinated effort to educate the public and the health care community on the seriousness of digestive diseases and to provide information relative to the treatment, prevention, and control of digestive diseases; and

Whereas May 1989 marks the seventh anniversary of the National Digestive Disease Education Program: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1989 is designated as "National Digestive Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILDREN'S DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 132) to designate the second Sunday in October of 1989 as "National Children's Day," and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply want to acknowledge the efforts of the gentleman from Massachusetts [Mr. KENNEDY], who is the chief sponsor of this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 132

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1989 is designated as

"National Children's Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DAY OF REMEMBRANCE FOR THE VICTIMS OF THE U.S.S. "IOWA"

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 247) designating May 29, 1989, as the "National Day of Remembrance for the Victims of the U.S.S. Iowa" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to acknowledge and yield to my friend from Iowa [Mr. GRANDY] who is the chief sponsor of the National Day of Remembrance for the Victims of the U.S.S. Iowa.

(Mr. GRANDY asked and was given permission to revise and extend his remarks.)

Mr. GRANDY. I thank the gentleman for yielding.

Mr. Speaker, I want to thank both the gentleman from Pennsylvania [Mr. RIDGE] and the distinguished chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER] for giving their timely attention to this resolution. It is, Mr. Speaker, a resolution I would have preferred not to have offered but it is certainly timely that on this Memorial Day we remember those victims of the U.S.S. Iowa who lost their lives just a few short weeks ago.

Mr. Speaker, it was 2 years ago that we commemorated that Memorial Day for the victims of the *Stark*, and it is fitting that we remember the victims of the *Iowa*.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from Iowa for his effort in bringing this resolution to the floor at this time. It is only fitting that we make this special commemoration and use this Memorial Day in this sad but important way to share the feelings of

the Nation with respect to this tragic event.

Mr. GRANDY. I thank the chairman for his kind remarks. Obviously without his help and that of the distinguished gentleman from Pennsylvania we would not be here at this time passing this through the House. This resolution, I should inform the House, will be introduced in the other body by my colleagues, the gentleman from Iowa, Senator GRASSLEY and Senator DOLE.

Mr. Speaker, it is with a deep sense of sorrow that I have brought this legislation before the House of Representatives. It is because of this sorrow and sense of grief that we believe it to be more than appropriate to designate Memorial Day 1989 as a "National Day of Remembrance for the Victims of the U.S.S. Iowa."

Two years ago next week, we stood on this floor in consideration of a resolution designating Memorial Day 1987 as a day of mourning for the 37 crewmembers of the U.S.S. *Stark* who were killed by a missile attack in the Persian Gulf. Last month, 47 crewmembers of the U.S.S. *Iowa* died in an explosion in the No. 2 forward gun turret of the U.S.S. *Iowa* and we are again considering a resolution of mourning.

Following such a tragic loss of life as this, there is a strong feeling of helplessness for us all. These men were courageous and they died with honor. We would like more than anything to bring them back to their families and loved ones. We cannot. What we can do is to pay our respects to them with our remembrance.

I am honored to have been able to introduce this resolution in the House of Representatives, but is certainly legislation for which I would rather have no reason to introduce.

At this time I would like to submit, for the RECORD, the names of the 47 crewmembers who were killed on the U.S.S. *Iowa*.

THOSE WHO GAVE THEIR LIVES ABOARD THE U.S.S. "IOWA" (BB-61) ON APRIL 19, 1989

Tung Thanh Adams.
Robert Wallace Backherms.
Dwayne Collier Battle.
Walter S. Blakey.
Peter Edward Bopp.
Ramon Jarel Bradshaw.
Phillip Edward Buch.
Eric Ellis Casey.
John Peter Cramer, Jr.
Milton Francis Devaul, Jr.
Leslie Allen Everhart, Jr.
Gary John Fisk.
Tyrone Dwayne Foley.
Robert James Gedeon III.
Brian Wayne Gendron.
John Leonard Goins.
David L. Hanson.
Ernest Edward Hanyecz.
Clayton Michael Hartwig.
Michael William Helton.
Scott Alan Holt.
Reginald L. Johnson, Jr.
Brian Robert Jones.
Nathaniel Clifford Jones, Jr.
Michael Shannon Justice.
Edward J. Kimble.
Richard E. Lawrence.
Richard John Lewis.
Jose Luis Martinez, Jr.
Todd Christopher McMullen.
Todd Edward Miller.

Robert Kenneth Morrison.
Otis Levance Moses.
Darin Andrew Ogden.
Ricky Ronald Peterson.
Matthew Ray Price.
Harold Earl Romine, Jr.
Geoffrey Scott Schelin.
Heath Eugene Stillwagon.
Todd Thomas Tatham.
Jack Earnest Thompson, Jr.
Stephen J. Weldon.
James Darrell White.
Rodney Maurice White.
Michael Robert Williams.
John Rodney Young.
Reginald Owen Ziegler.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 247

Whereas the U.S.S. Iowa, a battleship in the Navy on maneuvers in the Atlantic Ocean, on April 19, 1989, suffered a tragic explosion in its second forward gun turret;

Whereas the explosion killed 47 heroic crewmembers of the U.S.S. Iowa;

Whereas the people of the United States are filled with sorrow because of the explosion and extend to the families of the victims their utmost sympathy; and

Whereas Memorial Day is observed on May 29, 1989, and honors those who have died while serving in the Armed Forces: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 29, 1989, is designated as the "National Day of Remembrance for the Victims of the U.S.S. IOWA", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1989

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 37) designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply want to acknowledge the work of our colleague, the gentlewoman from Maine [Ms. SNOWE], who is the chief sponsor of House Joint Resolution 108.

Ms. SNOWE. Mr. Speaker, I would like to thank Mr. SAWYER, chairman of the Subcommittee on Census and Population, and the ranking minority member of the subcommittee, Mr. RIDGE, for bringing to the floor House Joint Resolution 108, legislation to designate the week of Mother's Day as "National Osteoporosis Prevention Week." This measure, which received the support of more than half the Members of the House, is identical to Senate Joint Resolution 37. I appreciate my colleagues' support for this measure which is the foundation around which national groups will conduct campaigns to educate the public about the devastating effects of osteoporosis.

As you know, osteoporosis is a public health threat that affects approximately 25 million Americans and is responsible for more than 1.3 million bone fractures per year. Osteoporosis is the most common skeletal disorder in the world and is of particular problem for postmenopausal women as one-third to one-half of these individuals will develop some degree of bone loss. Further, because risk of developing this disease increases with age, 90 percent of all women over 75 are affected with this disfiguring and debilitating disorder.

Although osteoporosis primarily afflicts women, men are certainly not immune from its devastating effects. Overall, this dreaded disease afflicts 50 percent of all individuals over age 75.

Not only does osteoporosis have severe implications in terms of human suffering, but the disease also inflicts a large monetary cost on our society. It is estimated that in 1988, the total cost to the Nation resulting from hip fractures alone was over \$10 billion. And as the population ages, by year 2050, we can expect the total number of hip fractures to double or even triple.

Although the causes of osteoporosis are only partially understood, and the methods for treatment remain controversial, common agreement can be reached on the importance of prevention in reducing its prevalence. Therefore, it is imperative that individuals be educated about this deadly disease. For this reason, during National Osteoporosis Prevention Week, organizations around the country will conduct an educational blitz to help individuals understand their role in preventing bone loss. I am pleased that this legislation will provide congressional recognition of this important week.

I thank my colleagues for their consideration of this legislation, and I urge passage of Senate Joint Resolution 37.

Mr. LIGHTFOOT. Mr. Speaker, I rise in strong support of the effort of my colleague [Mr. GRANDY] to designate May 29, 1989, as a day of remembrance of the 47 men who lost their lives in the devastating explosion aboard the U.S.S. *Iowa*. It is with profound sorrow that we seek to remember those men who gave the ultimate sacrifice in the line of duty. For all the power that is contained and expended within and by this body, there is little we can do to end or lessen the hurt and pain of the loved ones left behind. We can only offer this important gesture of acknowledgment and gratitude. It is not only with gratitude that we remember the crewmen of the U.S.S. *Iowa*.

Carl Sandburg once said, "If I added to their pride of America, I am happy." I hope that those who lost someone in this tragedy can find comfort in knowing their sons, husbands, brothers, and fathers added immeasurably to our pride in America. They reflected the very best in America and to carry on without them is indeed a difficult and onerous task. Though I did not have the privilege of knowing the men who died aboard the U.S.S. *Iowa*, I am aware of the many great things they did for our country. That is why I want to offer my sincerest thank you to the men of the U.S.S. *Iowa* and to their families for their service and dedication to the protection of the United States.

I urge my colleagues and all Americans to take a moment to send their support and gratitude to these worthy and true Americans.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 37

Whereas osteoporosis, a degenerative bone condition, afflicts 25,000,000 people in the United States;

Whereas osteoporosis afflicts 90 percent of women over age 75;

Whereas 50 percent of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 percent of women and 17 percent of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 percent, with such fractures resulting in the death of over 50,000 older women and many older men each year;

Whereas 15 to 25 percent of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 percent of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was over \$10,000,000,000 in 1988 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarette use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteoporosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 14, 1989, is designated as "National Osteoporosis Prevention Week of 1989", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, insert "and the week beginning May 13, 1990," after "1989,".

Page 2, line 3, strike out "is designated" and insert in lieu thereof "are designated". Page 2, line 4, strike out "of 1989".

Mr. SAWYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Speaker pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint resolution designating the week beginning May 14, 1989, and the week beginning May 13, 1990, as "National Osteoporosis Prevention Week"."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

TRAUMA AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 68) to designate the month of May 1989, as "Trauma Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

□ 1900

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I rise in strong support of the joint resolution to designate May 1989 as "National Trauma Awareness Month," and I congratulate my colleagues, the chairman and the ranking minority member of the subcommittee, for bringing it to the floor at this time.

The term "trauma" may not mean much to most of us, but trauma is a critical public health problem. Trauma is another term for injury, and traumas have a staggering impact on our society. Each year, 60 million persons

are victims of trauma; of these, 9 million suffer serious injuries. The American Trauma Society estimates that between 140,000 and 160,000 deaths result from traumatic injuries annually. Trauma is the fourth leading cause of death of all Americans and the No. 1 killer of those under 40. Over \$110 billion is lost each year in medical expenses, lost wages, and lost productivity.

These statistics do not even begin to measure the toll trauma takes on individual victims as well as their families and friends.

The critical needs in dealing with trauma are preventing whatever injuries can be prevented and providing appropriate treatment of injuries that cannot be avoided. Our States and counties and cities are working to improve the networks that deliver injured patients to the appropriate hospitals and those hospitals are improving their ability to care for trauma victims. At the same time, it is vital that the public be educated in the ways that traumas can be prevented. This public awareness that many injuries can be avoided—that many "accidents" need not happen or can be mitigated—is the goal of National Trauma Awareness Month.

All across the country, State divisions of the American Trauma Society have already planned events to promote trauma awareness in their communities. I will mention just two of these scheduled events—one in Ohio and one in Florida—at this time, but will include a more complete listing with my statement. The Ohio division of the American Trauma Society will speak to local high schools about the dangers of driving while drunk or drugged in an effort to prevent "prom-night" trauma. Tampa General Hospital in Florida will host, with 30 related organizations, a Trauma Awareness Day. The focus for this day will be families and children and there will be many hands-on events. The local radio station has agreed to hold a live broadcast, and the funds that are raised will be used for trauma victims and their families.

Mr. Speaker, it is crucial that Americans learn to prevent and treat traumatic injuries through public awareness campaigns, not, as happens all too often, through painful personal experience. The focus provided by National Trauma Awareness Month will take us a long way in this direction. I urge my colleagues to support this important joint resolution.

NATIONAL TRAUMA AWARENESS MONTH, 1989

The American Trauma Society's campaign for National Trauma Awareness Month, which this year holds the theme of "traffic safety" is already reaching hundreds of trauma advocates, who will promote trauma awareness in their communities. Packets of information were distributed to more than 175 institutional members (trauma centers) and ATS state divisions, as well as members

of the ATS Board of Directors, and 400 trauma coordinators nationwide. Packets of 100 brochures were mailed, and already additional orders have come in requesting educational materials.

In addition, institutional members and state divisions received materials to promote Safe Kids and Buckle-Up America weeks, both trauma-related campaigns held during National Trauma Awareness Month, sponsored by other organizations and promoted by the American Trauma Society.

James H. "Red" Duke, Jr., MD, trauma surgeon at the University of Texas Medical School and Founder of the largest blunt trauma center in the nation, is serving as national spokesperson for National Trauma Awareness Month. Dr. Duke is also a founder and Board member of the American Trauma Society and hosts the public television series "Bodywatch." In his role as spokesperson, he has been interviewed for the radio talk show program, "Heart of the Matter," which is aired to more than 250 radio stations across the country. He has also produced television public service announcements (PSAs) to be distributed nationwide.

A focal point for Dr. Duke's role will be as a host of the news conference on the trauma epidemic, scheduled May 16 in Arlington, Virginia. Dr. Duke will be joined by David Reiter, MD, DMD, FACS, co-director and facial plastic surgeon at Thomas Jefferson University's Center for Facial Plastic Surgery in Philadelphia, who is conducting innovative research on how American automobiles could be engineered safer to reduce injuries during crashes. Other participants at the news conference will include Howard R. Champion, MD, chief of trauma services at Medstar, Washington Hospital Center; David C. Viano, PhD, director of safety research for General Motors Research Laboratories; a representative from the National Highway Traffic Safety Administration; and trauma victims, including the sister of a young man who was recently killed in a car crash.

National and even international media coverage is expected from USA Today, American Medical Association News Radio, and Voice of America, and publication in related journals, including Waterways Journal, among others. On the local level, editors have already contacted the national office to cover National Trauma Awareness Month in hospital newsletters and the Gold Cross, a newsletter distributed to 6,000 New Jersey state emergency personnel. Already, a radio station in Wisconsin has requested guests for a radio talk show, and television stations in Florida and North Carolina are interested in airing the taped PSA.

Other local efforts across the country include:

The Tennessee division of the American Trauma Society has secured a Trauma Awareness Month proclamation by the governor. Sixty billboards across the state will promote the trauma message. The division will sponsor an educational campaign to promote trauma systems and a highway safety conference. The Tennessee division feels very strongly about National Trauma Awareness Month, following the tragic trauma of Sen. Albert Gore, Jr.'s son.

The Pennsylvania division is hosting Public Awareness Day at the state capitol in Harrisburg and is distributing news releases to each newspaper and PSAs to each radio station in Pennsylvania.

The Ohio division will speak to local high schools about the dangers of driving while

drunk or drugged, targeted to prevent "prom-night" trauma.

Thomas Jefferson University Hospital in Philadelphia will sponsor a Trauma Awareness Fair at the plaza, which will include air bag and race car safety demonstrations. The fire and rescue departments are also becoming involved in a buckle-up campaign, which includes rides in the "convincer," a machine designated to simulate the impact of crashing. The hospital expects to reach more than 200 Philadelphians.

In Columbia, SC, Richland Memorial Hospital is sponsoring a poster contest on trauma prevention for junior high and elementary school students.

Tampa General Hospital in Florida will host a Trauma Awareness Day, coordinated with 30 related organizations. The day will focus on families and children, with hands-on events. The local radio station will hold a live broadcast of the event. Funds raised from the event, expected to reach nearly 1,500 people, will go toward trauma victims and their families.

North Carolina Baptist Hospital will hold a health fair and will sponsor a seat-belt survey among hospital employees. Staff is also pursuing placement on a radio talk show and airing of television PSAs.

At Harbor UCLA Medical Center in Los Angeles, two Trauma Awareness Days are expected to reach hundreds of residents. The center has designed buttons and bumper stickers of its own for distribution in addition to materials developed by the American Trauma Society.

Lutheran Medical Center in Colorado is conducting a seatbelt campaign and monitoring employees' use. Displays at the hospital will focus on a different trauma issue each week in May.

The Iowa Health Center is producing radio and television PSAs, expected to reach the tristate area of Iowa, Nebraska, and South Dakota. At least 5,000 people are expected to be reached through two health fairs.

Emmanuel Hospital and Health Center of Oregon Health Sciences University will host a grand event downtown, to include bands, balloons, etc., in a cooperative effort with local fire departments, the mayor's office, and Mothers Against Drunk Driving.

Indiana University will be airing PSAs and hosting a bicycle fair and rodeo as part of National Trauma Awareness Month and Safe Kids Week.

In the EMS office in Cheyenne, WY, local resolutions are being sought, as PSAs are being distributed to local radio stations.

Activities near Long Beach, CA, including encouraging local city officials to issue proclamations, hospital displays, publication of articles in all major and local newspapers, and presentation in area high schools on trauma prevention and career opportunities in trauma nursing.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McCLOSKEY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 68

Whereas more than eight million individuals in the United States suffer traumatic injury each year;

Whereas traumatic injury is the leading cause of death of individuals of less than forty years of age in the United States;

Whereas every individual is a potential victim of traumatic injury;

Whereas traumatic injury can occur without warning;

Whereas traumatic injury frequently renders its victims incapable of caring for themselves;

Whereas past inattention to the causes of trauma has led to the inclusion of trauma among the most neglected medical conditions;

Whereas the people of the United States spend more than \$110,000,000,000 annually on the problem of trauma;

Whereas the problem of trauma can be remedied only by prevention and proper treatment through emergency medical services and trauma systems; and

Whereas the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical services and trauma systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1989 is designated as "National Trauma Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA GOVERNMENT FISCAL YEAR 1990 BUDGET AND FISCAL YEAR 1989 BUDGET SUPPLEMENTAL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 101-61)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, May 9, 1989.)

INTRODUCTION OF THE CLEAN OCEAN ACT OF 1989

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, today, I am introducing comprehensive legislation designed to prevent occurrences such as that which has resulted from the Valdez oilspill in Prince William Sound, AK, The Clean Ocean Act of 1989.

Just last week 1,500 scientists and Government officials met at a conference in Washington to discuss the environmental future of the world.

The Philadelphia Inquirer editorialized about the conference saying:

At last week's conference a recurrent message was this: If America wants to take a leadership role on global environmental problems, it must first clean up its own house.

Today, we are concerned about global warming, about conservation of natural resources, about establishing a national energy policy, about acid rain and clean air—and about clean water policy.

And, today I am here to address one aspect of that—namely, how to protect the oceans and estuarine waters from the threat of oilspills.

Prince William Sound and the Valdez spill have served to bring to the attention of the world the potential for real disaster that results from the lack of planning—we were not ready.

In the Northeast; in Raritan Bay, Delaware Bay; Boston Harbor; in the Gulf of Mexico; along the west coast in San Francisco and L.A.; and in Alaska. Along our entire coast we must be ready.

The fact of the matter is that an oil spill can occur anywhere, anywhere oil is produced, where it is transported, and where it is refined.

Right in the Delaware Valley region, the three-State area of New Jersey, Pennsylvania, and Delaware that includes and is adjacent to my district, the potential for another Prince William Sound exists.

The largest commodity shipped up the Delaware River is oil for the tri-State area's eight oil refineries. And last year, I am told, more than three-quarters of the 66 million tons of cargo moved in the Delaware River Port were petroleum products.

And so, I come here today with a pressing concern for everyone who has the potential to become the next oil spill victims.

Today, I am introducing the Clean Ocean Act of 1989, and I am pleased to be joined by a number of colleagues who will share in this endeavor.

Our bill amends the Federal Water Pollution Control Act to provide pre-standing emergency response teams for any discharges of oil or other hazardous substances.

These teams will be regionally located for immediate response capabilities. They will be custom-designed according to the types and amounts of equipment appropriate for the unique environment they are assigned to protect.

The teams and their equipment must pass Federal performance standards. They must demonstrate their efficiency and effectiveness to the satisfaction of the Environmental Protection Agency before they will receive certification.

They will continue to be subject to periodic drills—without prior warning to ensure against the complacency we witnessed at Prince William Sound.

All equipment must be certified as being maintained and in good working order at least once every 3 years by the U.S. Coast Guard.

The most fundamental difference between this amendment, and many of the oil spill bills introduced since March 24, 1989, is that these teams, the booms, skimmers, and vessels they operate, and the certifications and drills which are required, are to be funded entirely by the industry.

This bill also provides for the fining of any violation of the provisions in amounts ranging from \$500,000 to \$1 million, depending on the violation.

Because the levying of such fines and recovery of Government costs oftentimes becomes embroiled in litigation over who is really responsible, we decided to bring it down to the most common denominator, the chief executive office of the liable industry.

This legislation does allow flexibility for the oil and hazardous substance industries to design and implement a practical and effective plan. But it also tightens Federal law to ensure such a contingency plan can do the job required.

If you use the west coast as an example, you will find that there is currently in place a number of response team cooperatives which have been formed by and funded by the oil companies.

These co-ops are manned 24 hours with readied equipment and trained personnel. They are run by hired contractors and monitored by the State agencies.

In short, the concept is there, but they are not equipped to handle the spill of the size of that which occurred in Prince William Sound.

And so, it is apparent that a Federal mandate is needed.

To conclude, this legislation is a practical and essential step forward in our efforts to protect our oceans and other natural resources.

I hope my Republican and Democratic colleagues will join me and my fellow task force chairmen in supporting this effort.

Hopefully, our bill will enjoy a safe passage through Congress.

ON ALL FRONTS, GIVING FIGHTER TECHNOLOGY TO JAPAN A BAD IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to address one of the most troubling signs of the United States undermining its own economic competitiveness worldwide.

I refer, of course, to the FSX deal President Bush has announced, which would send American fighter plane technology to Japan for the develop-

ment and production of a new Japanese fighter.

Each day, headlines report America's deteriorating economic position. The United States is the world's largest debtor nation. Our trade deficit continues to spiral upward. Last year we imported \$55.4 billion more from Japan than we exported.

Yet, remarkably, the Bush administration has approved of sacrificing one position of clear superiority: producer of the finest military aircraft in the world. Economically, militarily, and geopolitically, the transfer of American F-16 fighter technology to Japan will only serve to push the United States farther down the road to international inferiority. In the past, the United States has poured its tax dollars into development of new weapons systems while Japan has been free to invest its resources in the development of new products sold in American markets. The United States needs a comprehensive economic policy to address such inequities, not the FSX deal which fosters the problem.

While roughly 6 percent of America's GNP is used to defend our country and our allies, only 1 percent of Japan's GNP goes to national defense. This has undoubtedly played a role in enhancing Japan's economic status. F-16 defense technology was developed at no small cost to the American taxpayers. Selling it to Japan on the cheap does not make sense.

The United States builds and sells the finest aircraft in the world. American aircraft superiority is no accident. We developed the F-16 at a cost of \$8 billion. Yet we may provide it to the Japanese for the promise of \$440 million in subcontracting work. In our country's dismal trade record, military exports remain the only area of merchandise trade surplus. U.S. planes, civilian and military, are flown by 120 nations. Rather than enhance this rare position of superiority, the FSX deal invites Japan to share this perch.

The Japanese have made no secret that the FSX joint venture will play a vital role in the creation of a Japanese civil aeronautics industry. Unlike the United States Department of Defense, which focuses solely on military considerations, long-term economic considerations played a key role in Japan's push for the F-16 technology transfer. Such technology transfers are nothing new. Japan came to the United States for VCR and semiconductor technology, and promptly destroyed American leadership in those industries. Japan certainly has a right to create their own civil aeronautics industry, but America need not subsidize a venture which could one day undermine one of America's healthiest international industries.

So what could lead the administration to accept such dire economic consequences of the F-16 technology

transfer? The Japanese fighter project originated with the goal of increasing the Japanese share of their defense burden. But creating a new fighter is far from the optimal way of increasing security in the northern Pacific. Developing a new fighter, rather than buying American F-16's off the shelf, is an extremely inefficient way to share the defense burden, costing billions before the first fighter is operational.

The FSX would not be ready for 10 or more years. When it is ready, it will not be interoperable with the American fighters, damaging hopes for a unified defense. If the Japanese were sincere about sharing the defense burden and cooperating to reduce the massive United States trade deficit, they would buy United States fighters directly.

The Japanese seem to have no interest in cooperating to aid the United States international economic position, although the United States has played a vital role in Japanese prosperity. The days where America can afford charity to its allies, without reciprocity, are long gone. Offering high technology to the Japanese, with obvious negative economic and military effects, is one give-away that the United States cannot afford, and an idea that the Bush administration should dismiss.

Finally, disapproving the FSX deal will allow Congress to send the important message that economic strength is an invaluable component of national security. In light of the constant military and political changes occurring worldwide, economic competition must no longer take a back seat to military considerations. By nixing this faulty deal, Congress can begin to place a high priority on American economic competitiveness—a policy which will offer more rewards than the FSX deal with Japan ever could.

I urge my colleagues to support House Joint Resolution 254 to disapprove of the administration's proposal to transfer fighter technology to Japan.

The SPEAKER pro tempore (Mr. McCLOSKEY). Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

[Mr. McEWEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

JOSEPH J. AHERN RECEIVES THE 1989 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives the accomplishments of

Joseph J. Ahern, president and general manager of WLS-TV/Channel 7, the Capital Cities/ABC-owned station in Chicago, who will receive the 18th annual Dante Award of the Joint Civic Committee of Italian Americans at a luncheon to be given in his honor on May 23 at the Como Inn in Chicago.

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the mass media communications field who has made a positive contribution to the profession of journalism.

Joseph Ahern began his career with ABC as a sales executive at its Philadelphia station in September 1973, and continued his career in sales management with ABC stations in Detroit, New York, and Chicago. In August 1981, he became station manager of WLS-TV in Chicago, and was promoted to vice president and general manager in March 1985. He assumed the position of president and general manager of the station in March 1986.

As president of WLS-TV, Joseph Ahern has initiated numerous community service projects. Under his leadership, the station was awarded the President's Citation for Private Sector Initiatives for the "Say No! To Drugs" campaign. He also has worked diligently in many civic and community activities. He serves on the Urban League Business Advisory Council, the Advisory Council for the March of Dimes, and the Advisory Board of the Chicago Convention and Visitors Bureau.

In addition, Joseph Ahern serves on the board of directors for Children's Memorial Medical Center Foundation, the Starlight Foundation, the Special Children's Charities, and United Cerebral Palsy. He also serves on the board of governors for the Library Council of Northwestern University, and is a member of the Northwestern University Associates and the Chicago Community Trust Human Relations Task Force.

Joseph Ahern has received many awards for excellence in his work in television, as well as honors for his community activities. He richly deserves the Dante Award, because it was Dante Alighieri in his book "Divine Comedy," who said, "if I should prove a timid friend of truth, I fear to lose my fame among the people whose age will call the present era ancient."

This year the 18th annual Dante Award luncheon will be held at the Como Inn, under the auspices of the Human Relations Committee of the JCCIA, chaired by Richard B. Calfano. The president of the JCCIA is Carl DeMoon, and the master of ceremonies for the luncheon will be Dominic DiFrisco. The invocation will be offered by the Reverend Lawrence Cozzi, administrator of Villa Scalabrini, the Italian Old Peoples Home in Melrose Park.

For the 14th consecutive year, the John Fischetti Scholarship will also be awarded at the luncheon. The scholarship was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications, and is named after the Pulitzer Prize-winning political cartoonist. This year, two \$1,000 scholarships will be

awarded to Gina Nolan and Jason DeSanto of Northwestern University.

Mr. Speaker, I extend my warmest congratulations to Joseph J. Ahern on meriting this recognition, and for the strong and constructive impact he has made on the broadcasting industry and our community. His career, character, and splendid record of achievement prove that he is, indeed, a friend of truth.

VICE ADMIRAL STOCKDALE'S VIEWS OF WAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, Vice Adm. James Bond Stockdale is one of the great American heroes. His courage as a Navy fighter pilot and then his magnificent heroism as a prisoner for 7 years of the North Vietnamese are well known to us all.

On April 19, 1989, Jim Stockdale and his wife, Sybil, were honored by the Rockford Institute at a dinner held in Chicago, IL. Presidents Ford, Nixon, and Bush sent the Stockdales their personal congratulations on this occasion.

Jim Stockdale spoke of the war in Vietnam and, in a larger sense, what war means to a democratic society like ours.

At this point I wish to insert in the **RECORD** Admiral Stockdale's speech which he titled, "The Bull's-Eye of Disaster":

THE BULL'S-EYE OF DISASTER

My writings in Tom Fleming's *Chronicles* have been the essence of my previous association with The Rockford Institute. Those articles have dealt mainly with the power of the human spirit, the power of the human mind, and how a person can rise in dignity to prevail in the face of adversity. In short, they were reflections upon my life in a political prison.

Tonight I'm climbing outside the bars and into modern history—into some facts and ideas about the state of the nation and its recent ways of making war—that Vietnam War. This subject matter detour from "what's within us" to "what we're doing to ourselves" is a surprise for some of you I expect, but I take it that friends of this Rockford Institute, this admirable organization which sets as its goal the seeking of an ethical consensus in American public life, will consider it within the charter if I expose some of my views on the functioning of our polity vis a vis war in these times—views that center on a belief that we are currently in the grip of certain historical trends that risk shortening the lifetime of our nation.

I'm going to work very hard not to make this sound like a tiresome rehash, or an apology. It will include my eye witness accounts of events portrayed quite differently in most popular history books, will incorporate the findings of new scholarship on today's bookshelves, and woven through it all will be my argument for meeting the Constitutional provision of having a Congressional Declaration of War precede America's sending of expeditionary armies overseas to conduct campaigns of land warfare.

For over a decade now, it's been commonplace for our leaders to urge us to put Vietnam behind us. Sybil and I were face to face

with our good friend George Bush when he said it again at his Inauguration on January 20th. The Congressional Medal of Honor society has front row seats at these affairs, and I swallowed hard, when during what I would call his "plea for unity" acceptance speech, he said, "Surely, the statute of limitations on Vietnam has run out". I was not the only one in the Medal of Honor section who decided to take that remark with a grain of salt. New Nebraska Senator Bob Kerrey and I exchanged knowing glances.

In case you don't know, Bob Kerrey was a Navy SEAL team leader who lost a leg on a voluntary and highly risky midnight penetration of a VC island strong-hold to abduct their political cadres for interrogation. In the pitch black melee, a hand grenade exploded right at Bob's feet. He refused medical treatment until his gang and their quarry were back down the high cliff, into the rubber boats, and away. Good work, but in long term hindsight, like much in that war, all for naught.

I think Bob and I and many of our cohorts think there is much more to be written and said before the nation puts that Indochina chapter of our history to bed. I know there is material yet to be released that belongs in the public record. The total Vietnam War story involves just too many fundamental breaks in our national integrity to be buried in the vault. It is a package of lessons for the current age, and the future.

I find that World War II guys, and of course President Bush qualifies as a hero among them, sometimes dust off the Vietnam experience as a one-of-a-kind mixup in which our civilian—and military leaders misjudged the nature of the problem, and once in, sank into an unexpected quagmire that was beyond almost anybody's practical control. From my study—and intuition, I find that impossible to believe.

I was there for ten years, you know, and taking in data all the time—one year just flying, two flying heavy combat, and seven and a half in prison—not "languishing", not "sitting out the war", as used to be said when American POWs had Geneva Convention protection, but fighting a torture battle, four of those years from a solitary cell in a penitentiary—surreptitiously commanding a secret and tricky underground organization, while regularly picking the brain of the prison-system commissar who sat on the North Vietnamese Army's General Staff. Altogether, I've come to realize that this talked about "surprise" at the resistance we met—at least among our senior leaders on the Joint Chiefs of Staff—is sheer bunk.

Modern books lead me to believe that the war held scarcely any surprises for the informed military. Their relationship with McNamara's whiz kids (who took over planning and running the war)—was sort of like that of my prison pal who had come out of a dog fight in a parachute as the back seat [radar guy] of an F-4, and his front seat (pilot). The truth of the matter was that their plane came apart not as a result of enemy gunfire but because of a mid-air collision with one of their wingmen—a very rare event in that war, I assure you. One day years later I was sitting in a Hanoi prison cell block while my pal's pilot was describing to the rest of us his surprise, while in violent maneuvering against a division of MIGs, to feel the unexpected impact of a blindsided midair! "No surprise, Boss", interrupted the popular back seater—smiling and shaking his head in the spirit of sardonic fly-boy humor—"I knew what to expect

right after I heard your briefing in the ready room. The flight was briefed like a mid-air, and it was flown like a mid-air."

A joke, (sort of), but it was no joke with the Vietnam War as a whole. It was planned like a mid-air, and flown like a mid-air: a perfect disaster. But the planners didn't have to go to prison. They didn't even have to fight. They didn't even know how to fight. They just knew how to "thread the needle"—how to get an army out there that would satisfy their elders' drive, The Establishment's drive,—I mean people like Dean Acheson's and John McCloy's Wise Men's drive (from the modern book of the same name)—to meet Cold War verities, with that U.S. Army shackled sufficiently to keep the allies of the enemy below a high simmer, and our own general public in the dark and calm. No emotion, please. Robert McNamara early in the war: "The greatest contribution Vietnam is making is that it is developing an ability in the United States to fight a limited war, to go to war, without the necessity of arousing the public ire." Can you think of any action more inconsistent with the basic idea of a democracy than the launching of the ultimate public endeavor, the committing of a generation of its young men to battle, the quintessential emotional experience, under the guise of their merely acting out their parts in some new sort of sterile half-speed surgical intrusion and thus well enough served, without the encouragement and support of the public sentiment?

Oh, there was no doubt in the minds of the insiders, or of those of us who were out there on the firing line before 1965, that a "land battle" was what was in the works. You notice that I said that the needle-threaders got an army out there and shackled it. Nobody who understood the problem wanted the U.S. Army out there trying to win hearts and minds in the weeds—least of all the Joint Chiefs of Staff. After two years of study and God knows how many confrontations with the President's "defense intellectuals", our JCS final formal recommendation (made in October, 1964, just before "the" war shaping decisions were rendered by the Executive Department), hung in with the LeMay solution—bomb Hanoi and Hai-phong—back to the stone age if necessary—to keep the U.S. Army out of the field except as a last resort to "isolate" the battlefield and let the South Vietnamese have at it with the communists in a fair fight. [There is data in the files that establish LeMay's rationale as not to glorify the Air Force, but to save the U.S. Army from ruin.] Their plan, the JSC believed, best utilized America's military power, and best served her national purposes and well being.

[And take it from one who was there when the B-52's finally did bomb Hanoi for a few days eight years later: That would have done it. "The walls came tumbling down"—the loss of life, American and Vietnamese was minuscule in comparison to the "land war" we bought into (at most, one percent of what was commonplace in WWII bombardments—100 per day in Hanoi vs 50,000 a day at Dresden, being a not-uncommon contrast), the noisy Hanoi streets went absolutely silent, their military officers were first thunderstruck, then obsequious, setting their guards to the unprecedented task of making the rounds of the cellblocks with hot coffee at dawn before the daily barrage started. Within two weeks, their national authorities were back at the negotiating table, and in so many words, in the process of surrendering.]

The Chiefs' "short war" recommendation of October 1964 was handed over to the young Establishment Intellectual LBJ had asked to draft his strategy. His name was William Putnam Bundy, Dean Acheson's son-in-law. (Insecure Johnson had to have that old boy "Wise Mens'" prestige behind him.) And according to the "25 years after" books coming out now, it was William Bundy who was arbiter of most things crucial during the "war shaping" period. (It was he who in May 1964 had drafted a "fill in the blanks" Congressional Resolution which became the Tonkin Gulf Resolution after the events of early August of that year; it was he who cooled the JCS idea of "keeping the pressure on with follow-up raids" while the iron was hot after our reprisal air strikes of August 5th; he was a leader among those who insisted on not bombing Hanoi and Haiphong, raising the ludicrous flag of caution vis a vis a China that was trying to get into America's orbit during those very early Vietnam War years—the start of China's political turnaround which took Nixon's and Kissinger's insight to recognize and capitalize on a few years later; and according to a good book entitled *Four Stars* which came out about a month ago, it was the same William Bundy who had rejected the idea of a clean Declaration of War, something that public sentiment would probably have supported in that fall of 1964, a "bright line test" that would have assured our deploying soldiers of the congressional and public support they deserved in exchange for laying their lives on the line. Bundy rejected the idea of a Declaration (says the book), in order to save LBJ "an embarrassing pre-election political headache in his peace-oriented campaign against Goldwater for President".

Admiral Lloyd Mustin appeared before William Bundy's war strategy working group as advocate for the Chiefs' "short war" plan in November, 1964. His words tersely described the distillation of JCS thinking: "Instead of working to buttress the South Vietnamese government in order to defend itself, the United States should take stern actions against North Vietnam to make that defense needless." (Over the years, the Chiefs had collected lots of data, including the horror stories of Lieutenant Colonel John Paul Vann's unsuccessful attempts in '62 and '63 to motivate or teach the South Vietnamese to fight "western style".) But the "short war" plan went down the tubes on December 1st, 1964, in a formal meeting with LBJ and his principal advisors: Rusk, McNamara, the Bundys, Rostow, McCone, Ball, and Ambassador Maxwell Taylor. A campaign of reactive (tit for tat) gradualism won—the strategy of the game theory advocates who claimed that if you titted for tat long enough, you could eventually convince your adversary that his cause was hopeless. [The "Prisoners' Dilemma" game.] It seemed a "safer" theory—and by its implicit restriction of options to almost none except the stationing of our Army units right down there in the jungle, it had the old "morality play" aspect of compassionate paternalism—our troops acting out the theme of those 1950's books like "The Ugly American", helping our friends help themselves at the grass roots level. "Limited War" they called it.

(If I sound cynical about grass roots support and "helping little people understand themselves", I'm skeptical about it from both the rational and emotional sides. Rationally, it is generally thought of as a poor utilization of our Army's fighting power.

Our troops are not missionaries and to cast them in such roles is to get them into positions asking for the sort of abuse Sybil and I heard being poured on America in Paris a year ago last December. Emotionally, I can't forget the insults of the Parisian anti-Communist Vietnamese at a "Tripartite Conference on the Indochina Wars Fought since World War II", held there. (Sybil and I were both participants—and so was Henry Kissinger.) In so many words, these leading Vietnamese intellectuals who had sponsored the South Vietnamese government, charged America with intruding into South Vietnam's internal affairs and bringing about their descent into communism. In short, they claimed America owed Vietnam another war. We got so intimately entangled in South Vietnamese affairs that we got charged with blame for the war itself from both sides.

The reason I think this re-hash and analysis is worthy of your time is that it exposes the insidious dangers of that gradualistic paternalism that is so attractive to the timid. It could happen again. Remember Winston Churchill words in his introduction to the *Gathering Storm*?

"It is my purpose, as one who lived and acted in these days . . . to show the malice of the wicked was reinforced by the weakness of the virtuous, how the councils of prudence and restraint may become the prime agents of mortal danger . . . and how the middle course, adopted from desires for safety and a quiet life may be found to lead direct to the bull's eye of disaster."

It's hard to believe, now, but "Limited War" was a new expression in early 1965. There was lots of discussion about it—just like when its modern counterpart, "Low Intensity Conflict" was introduced a few years ago. Either can get very confusing if you try to apply it to yourself as an individual combatant. In April, 1965, a few months after our national Vietnam strategy had been decided, I was heading westward on the aircraft carrier *Oriskany*—starting my third eight month cruise that would mainly involve flying missions over Vietnam. I was 41 years old and had climbed to the top rung of the ladder of Navy flying—Air Group Commander—senior combatant pilot on the ship. This was to be a full combat cruise—(since we had left the United States we had heard about the Marines landing near Danang, and the start of the Rolling Thunder bombing campaign.) Three things triggered a speech I gave to all Air Group pilots a few days before we raised the Indochina coast. (The full text appears in Admiral Sharp's book, *Strategy for Defeat*.) The first trigger was informal chit chat among my squadron commanders about whether limited war required the same low altitude/high accuracy bomb drop patterns as regular war. "I heard some squadrons on other ships are thinking about pulling out high." (some were saying)

Second trigger: An easily detectable and understandably anxiety among my pilot population as a whole—85 percent of whom were facing their first combat. The majority (the juniors) were well educated, thoughtful, and sensitive—too young to remember the national fervor of WWII. [I still vividly remembered the whispered concern among several just like them aboard the carrier *Ticonderoga* the previous summer as we eyed the still-wet bomb damage assessment photos of the flaming wreckage of the Vinh oil storage yard following our reprisal raid of August 5th. "Yes, sure enough, there are bodies among that rubble."] (and)

The third trigger: A letter from a bright and highly respected former commanding officer of mine—wishing me well on the one hand, and surprising me on the other by suggesting that I might give thought to laying off pressing for Code of Conduct conformance of prisoners—that it was, after all, a regular war document.

I'll quote myself just enough to give you the drift, and the tenor of the times:

"* * * Where do you as a person, a person of awareness, refinement and education, fit into this "limited war", "measured response" concept? I want to level with you right now, so you can think it over here in mid-Pacific and not kid yourself into "stark realizations" over the target. Once you go "feet dry" over the beach, there can be nothing limited about your commitment. "Limited war" means to us that our target list has limits, our ordnance loadout has limits, and our rules of engagement have limits, but that does not mean that there is anything "limited" about our personal obligation as fighting men to carry out assigned missions with all we've got. If you think it is right or sensible for a man, in the heat of battle, to apply something less than total personal commitment—equated perhaps to his idea of the promotion of national potential being applied, you are wrong. It's contrary to good sense about self-protection—half speed football is where you get your leg broken. It's contrary to human nature. So also is self-degradation. Don't think for a minute that the prisoner's Code of Conduct is just a "regular war" or "total war" document. It was written for all wars, and let it be understood that it applies with full force to this Air Group in this war * * *"

If you don't agree with all the above, right now is the time to turn in your wings. It's much less damaging to your pride if you do it in mid-Pacific now, as a clearly thought-out decision, than after you see your shipmates get shot up over the beach * * *"

I hope I haven't made this too somber. I merely want to let you all know where we stand on Duty, Honor, and Country. Secondly, I want to warn you all of excessive caution. A philosopher has warned us, that of all forms of caution, caution in love is the most fatal to true happiness. In the same way, I believe that "caution in war" can have a deleterious effect on your future self respect, and in this sense, surely your future happiness. When that Fox Flag is two blocked on Yankee Station, you'll be an actor in a drama that you'll replay in your mind's eye for the rest of your life. Level with yourself now. Do your duty."

No one came forward to turn in his wings. By the time *Oriskany* returned to San Diego in December 1965, her pilots had earned a record total of decorations for flight heroism. Of the 120 pilots addressed in this talk, 13 did not return with the ship. Nine were killed in action and four, including myself, were shot down and taken prisoner.

(I repeated parts of that years-ago talk tonight not because I consider it exceptional, but because I think it's common—the sort of thing we should always expect to hear in ready rooms filled with gung-ho young Americans heading off to war. When the armed forces of America are marshaled to fight, our government should know it's dealing with fire—fire in the hearts of its young. But our leaders' empathy for the earnestness of the generation they were sending forward was by no means universal in that Vietnam War. I learned in prison from a totally disgusted new "shoot down" nearly three years after this speech was given that

Pearl Harbor commanders were still arguing about whether our fighting man's Code of Conduct was applicable in this war—after we had already had people killed supporting it. And one of the most noted "bright young statesmen" of the Johnson administration complained to me after the war about my forbidding parole of POW's—he apparently not even realizing that abhorrence of parole was a key provision of the U.S. government Code to which we had all been pledged.)

On the Oriskany's next cruise, during summer 1966, five more from my air group joined us in the Hanoi dungeons—their killed in action list being higher yet than ours. And in the summer of 1967—still more prisoners, and still more lives and airplanes squandered by following government orders to run up and down the same restricted tracks, dodging the same predictable dance before North Vietnamese gunners in that gradual escalation to nowhere. In four months of that 1967 cruise, the Oriskany had 40 percent of its deck load of airplanes shot out of the sky.

So much for Limited War; so much for the pussyfooters and needlethreaders who wanted to finesse a war with game theory, without disturbing anybody important. I say to them what my North Vietnamese jailers frequently said to me: "The blood, the blood, is on your hands."

Those of us who entered prison early, actually saw three different wars. The first lasted 3 years and 2 months—the war of reactive gradualism decided upon by LBJ and his jolly gang on December 1, 1964—the war that ran its course as described above. Then there was a 3 year 2 month "haitus" war—like the "limited" war, practically as long as America's WWII—but no airplanes in the sky—absolutely no American actions that we could detect having any effect on us one way or another. It lasted from late '68 to late '71. I was in solitary for the first half of it, and I was brutalized more in 1969 than in any year in prison. Some don't like to hear this, but on the whole, life was easier for us in prison when America was bombing and hammering at their gates. To have our bombing "paused" was somehow considered contemptible. And then the old JCS "short war" loomed into view in late 1971—the mining of the harbors, the tactical bombing of military targets in Hanoi and Haiphong—and the climax: seemingly endless streams of B-52's bombing Hanoi and Haiphong military complexes, starting on that wondrous night of December 18th, 1972. Within eleven days, North Vietnam was shut down completely.

That was commitment. A long time coming, and in hindsight, perhaps too late for an emotionally drained America. But for what its worth, I believe if the October 1964 JCS "short war" plan had been accepted and put in motion that spring of 1965—a move that would have been perfectly natural and totally possible:

That we would have a free and secure South Vietnam today;

That we would have about 40,000 fewer headstones in Arlington cemetery right now;

That we would have all been home before Christmas of 1966;

And, that what is known as "the '60's"—anti-war disruption and all—would never have happened.

How did we get so screwed up? The answer is that the American government tried to do something the Founding Fathers knew would never work: to send ("sneak" may be the better word) armies into war without

their having a solid consensus of public support. Hear out two of my most trusted friends of good judgment:

Ross Perot—a savvy patriot in everybody's book: "If we didn't learn anything else from Vietnam, it is that you don't commit your men to the battlefield unless you commit the American people first. They fell just as dead in Vietnam as they did on Omaha Beach in Normandy. First commit the nation; then commit the troops."

Fred Weyand—Combat General in Vietnam; former Chief of Staff of the U.S. Army:

"When the Army is committed, the American people are committed, and when the American people lost their commitment it is futile to try to keep the Army committed."

And of course the Founding Fathers drove a spike into that Constitution they framed, a spike aimed specifically at that crucial need for public commitment—(insuring that no soldier marches off to a war that becomes an expendable sideshow of a Washington power struggle)—the provision that only the Congress can declare war. My Constitutional Law professor friends at Stanford tell me that the debates at the Constitutional Convention revealed two basic underlying reasons for that clause. The first stemmed from a consensus agreement among the Framers that one person—the President or any other in government, was to have the authority to alone lead the United States into war. Thus Congress was given the obligation (not the optional honor), of being the watchdog on the Executive Department on this matter. (There was debate about just making it the Senate, but the Framers decided that unless they needed a broader base.) And there was a second reason to put Congress on the hook: It was decided that unless they unequivocally authorized a war at the outset, the Congress were a good deal more likely to undercut the effort, leaving a situation that satisfied neither the allies we induced to rely on us, or our men who fought and sometimes died.

I think it is fair to say that generally speaking, since WWII and our subsequent discontinuance of declarations of war, things have not gone well. And we are all sick of these arguments about what is a war, and what is a prolonged campaign, and how do you know in advance. Yes, and tired too of having to agree to the obvious: that is it's neat that the President can pull off these successful flash-in-the-pan operations like the Libyan raid, and the Grenada rescue, and too, the successful Persian Gulf presence, without the encumbrances of prior debate. But I don't think it is any sort of a legal challenge to write a descriptive paragraph that clearly separates out the future Korea and Vietnams from future Grenadas or Persian Gulfs. Basically, we're not talking about naval and air actions or marine team landings, we're talking about the United States Army in combat on foreign soil. And I think such expeditions (overseas wars) should be Declared or not fought at all.

One of the obfuscating factors in getting this hammered out is the ambivalent stance of Congress. My law professor friends have drawn out for me examples of what they call the typical Congressman's "studied ambiguity" on the subject. It's a fact, that today the artful dodging of controversial questions is the road to reelection. (See this week's April 24th Newsweek under the cover story, "How Congress Really Works": "Our legislators are the world's only entrepre-

neurs devoted to shunning risk . . . The most frequently used word in their private conversations is "cover", a noun meaning a position on an issue, structured to avoid political risk or cost.") During Vietnam and in some conflicts since, Congress has shown itself to be consistently unwilling to end the fighting, in fact quite willing to continue to fuel it—"anything for the boys overseas"—but at the same time quite resourceful in scattering the landscape with rationalizations whereby it could continue to claim that "it wasn't really its war". In general, the modern Congressman is quite likely to be happy to let the President call the shots on war and peace while he devotes himself to the construction of his private political bomb shelter.

I have an interesting study of different wartime Congressmen's reactions to queries about his views on the Vietnam War in the light of his signature on the Tonkin Gulf Resolution:

"Prevent further aggression?"; "I was sure they told me they meant only aggression against our armed forces!"

(Another) "Oh, that was only to handle further provocations against destroyers in the Tonkin Gulf".

(Another) "I was told we were just going along with one of old LBJ's international bluffs."

Foreign Relations Committee report: "Although it can be interpreted to authorize full scale war, that was not our intent at the time."

Every day our newspapers report the details of some squabble over Legislative vs Executive control of Foreign involvement. They are competing for the prestige of running it. I'm talking about the other end of the stick—the obligation to take responsibility for it and stick with it when it turns to worms. If you want to see that flip flop acted out in spades, come to a Prison Camp. When there's reprisal and torture being metered out, some prisoner officers, senior and thus responsible, will shirk all leadership duties because they know that if they do take charge they'll be spotlighted, hammered, and exposed to bad press at home. But let the heat come off, and those same rankers, who had been cowering in their cells for months—even years—not answering wall taps of those seeking guidance—suddenly surface and present their credentials to lead the homecoming tickertape parade. (That happened.) Everybody wants the prestige of command when the heat's off, but many shuck it like a hot potato when the fat is in the fire.

American Congressmen—Vietnam anti-war Congressmen who were lengthening the conflict even as American bodies were piling up, were able to get off easy with their constituents in spite of their signatures on the Tonkin Gulf Resolution. The American public didn't hold them responsible because there was just enough ambiguity in the air about just exactly where this Resolution (new word) fit in. But who can forget how quick those congressmen were to endorse this "engine" of the war that LBJ demanded in the heady times of summer 1964. The House of Representatives passed it unanimously after a total of 40 minutes of discussion. The Senate had two diehards and it took 8 hours and 40 minutes—but as you might know, said discussions took place before a Senate Chamber that was less than one third full.

I have an aside on this. "Sentiment rules the world", said Napoleon—and those who are on the scene when important events

take place, have a good vantage point to see the degree to which sentiment and image have the final say over facts. The excuse for the Tonkin Gulf Resolution was made into headlines that read like, "North Vietnamese Torpedo Boats make midnight sneak attack on American destroyers". As most of you know, I had the best seat in the house to watch that event, and our destroyers were just shooting at phantom targets—there were no PT boats there. It was not a conspiracy, but a hysterical mixup.

I reported that, and so did the commander of the destroyers; Washington received these reports promptly, but we went to war twelve hours later anyway. Those early headlines—based on Washington's word on what happen—set the tone for the reaction of the whole country, and two days later LBJ got his blank check for whatever kind of war he wanted—and a magnificent boost in the popularity polls for his upcoming election. But when we pilots who are out there really snickered was when we read the super-imaginative graphic accounts of "the sea battle" in the news magazines delivered out to the ships a couple of weeks later. If you have old Newsweeks, Time magazines, or Life magazines of that time—look at the stories, and drawings—and remember that there was nothing out there but black water and American fire power. But then contrast that 1964 public reaction to a non-event, to that 1973 reaction to a real event, to a magnificently handled de-arming of our enemy's capital city, with pin-point bombing of rail yards, transportation facilities, and missile sites, and an all-time low civilian casualty rate. How did our Congress react? In the middle of it, one of our Senators said on NBC TV that it was "... the most murderous aerial bombardment in the history of the world". Headlines screamed it was a "Christmas bombing"—I was there and not one bomb was dropped on Christmas. It was billed as a "holocaust", a carpet bombing, and I was there and not one bomb was dropped downtown. But by 1973, the country had come to such a state that—as Henry told the crowd in Paris—a vocal minority of our citizens who by that time did not want America to win that war were able to prevent the enforcement of the agreement that those eleven days of bombings had extracted from the North Vietnamese Government.

What a mess! Highhanded entry into the war, distrust of the JCS, mismanagement of the battle, squandering of the public trust, 58,000 of our soldiers dead with nothing to show for it! This could happen again! And we are asked to close the books and put the Vietnam War behind us? Sociologist Charles Moskos up here at Northwestern University predicts that that won't happen until the last of that generation that the old guard mangled are quiet in their graves—in the year 2030.

In those Vietnam War years, and perhaps since in some quarters of our government, the idea of "Declaration" and "Mobilization" seemed to be thought to bring with them the idea of moral approbation of the project—whereas the undeclared effort, especially one not even "worthy" of national mobilization, is less official, less real, less demanding of our internal sympathies. (It's like when 50,000 soldiers die in a NATIONAL EFFORT it's bad press. When 50,000 soldiers die in an undeclared "police action", it's just "the breaks".) After losing out with his "short war" pitch, Army Chief of Staff Harold Johnson (a very interesting man with whom I identify), made a push for national mobilization, not only for the man-

power but for the public involvement, the public commitment.

(Harold Johnson was an Ex-POW of WWII who made the Bataan Death March—and who described his time behind bars as being "in a great laboratory of human behavior"—and I've never heard it better stated. He is described as a skeptic, dedicated to integrity, hatred of absolutes, being distrustful of easy solutions, and dead set against U.S. troop involvement in Vietnam. Harold Johnson said the Joint Chiefs were never asked to vote one way or another before the troops were sent in. The civilians said "go" and they went.)

Anyway, the key player who turned off General Harold Johnson's mobilization proposal (on July 25th, 1965) was ex-Supreme Court Justice Arthur Goldberg. He voiced the opinion that a "mobilized" Vietnam War would make his image as our U.N. Ambassador more tainted than would an "unmobilized" Vietnam War.

Well, I say then, that from the national commitment viewpoint, all the more reason for the soldier to want his war declared. That's the only way he can be confident that the government really means it.

The worst part of all this is that in the undeclared case, it's such a natural thing for our very Congress (being unaccountable in public eyes nowadays) to turn out to be an after-the-fact agent that nullifies our fighting men's best efforts as an expendable miscue, a discard from the Washington power game. The Framers had it figured correctly. Our Constitution had to be written so as to protect our fighting men from shedding blood in pointless exercises while a dissenting Congress strangles the effort. But what has evolved in this modern age, apparently to everybody's satisfaction but those fighting men, affords them no such protection.

I've heard just too many decorated veteran warriors from Vietnam say, "Our government better figure out some way to make it clear that the mean business next time, or I'm thought with soldiering." They are sick of being told that their lives have to be provisionally committed to a half-baked plan because it's the only way the president can, in the national interest, get around adverse congressional sentiment. They shouldn't have to take that.

These men were brought up pledging allegiance to the flag of a United States of America, which from its beginnings was committed to a separation of powers. From maturity they knew the strengths of this form of government which balances the legislature against the presidency. But they also sensed, as did our Founding Fathers and the six generations that followed, that our government's weakness is a tendency to become fickle when the point of no return has passed, when the fat is in the fire and the troops are in the field. But over those early generations a national confidence had grown up, particularly through those personal commitments, that bright line assurance, documented by congressional declarations of war. But now, if in the post-Vietnam United States the soldier is just to be told that in modern times opinions change, that he should be prepared to have commitments dropped, and that he should do his job in the field and never mind that he will be fighting for a government constantly doing a balancing act against nasty opposition from within, this will simply not do. Soldiers will march off to their deaths only so long as they don't feel they have to die alone for what will be abandoned causes.

I'm not usually on the stump. But by asking me to make a speech, you make me think, And this is where I come down. The woods are full of experts who can probably put me down in nothing flat. As the saying goes, "I don't know Washington".

But I do know some American history, and how the Framers' model for this country was that most admirable Republic of Rome. During the formation of our government, when constitutional issues were being debated, the famous and not famous on both sides of the issues wrote under Roman pseudonyms (Publius, Camillus, Brutus, Cassius). George Washington was so taken with the character of Cato the Younger in Joseph Addison's 1713 play, Cato that he made the Roman republican his role model. Washington loved the theatre and went to see Cato numerous times from early manhood into maturity, and even had it performed for his troops at Valley Forge despite a congressional resolution that plays were inimical to republican virtue. Lines from the play can be found verbatim not only in Washington's private correspondence but in his farewell address.

The Roman Republic and its ethos, particularly during its first three hundred years, where a natural model for our founders' dreams. Like ours, their republic emerged from monarchy; like ours, the people of its early years were mostly free farmers. And although war had been the most dramatic feature of the life of the early republican Romans, their historians described how the development of the Roman character was formed by institutions with which our revolutionary forebears could identify: the family, the religion, the moral code. The Greek historian Polybius (who died when the republic was a mere 386 years old, before it had become an empire and then corrupt—and incidentally a man whose hobby was cryptography and the very man who devised that quadratic tap code we decided to use in the Hanoi prisons) praised the Roman government as the best in the world and described the honesty of the Roman people as superior to that of his own countrymen. Their army, as a republic, was the most successful military organization in history, never lost a war, and brought a city state a mere twenty miles square to the status of conqueror of the whole Mediterranean world.

But they, as we all must, eventually fell. They fell of infighting as an empire, from a general lack of public virtue, from selfishness and inconsiderateness. I just don't want to see that process speeded up here. Heed the letter from deployed soldier Marcus Flavinus, Centurion in the 2nd Cohort of the Augusta Legion, to his highly placed cousin, Turtullus at home in Rome:

"We had been told, on leaving our native soil, that we were going to defend the sacred rights conferred on us by so many of our citizens settled overseas, so many years of our presence, so many benefits brought by us to populations in need of our assistance and our civilization.

We were able to verify that all this was true, and, because it was true, we did not hesitate to shed our quota of blood, to sacrifice our youth and our hopes. We regretted nothing, but whereas we over here are inspired by this frame of mind, I am told that in Rome factions and conspiracies are rife, that treachery flourishes, and that many people in their uncertainty and confusion lend a ready ear to the dire temptations of relinquishment and vilify our action.

I cannot believe that all this is true, and yet recent wars have shown how pernicious such a state of mind could be and to where it could lead.

Make haste to reassure me, I beg you, and tell me that our fellow citizens understand us, support us and protect us as we ourselves are protecting the glory of the Empire.

If it should be otherwise, if we should have to leave our bleached bones on these desert sands in vain, then beware the anger of the Legions!"

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Rhode Island [Mr. MACHTLEY] is recognized for 5 minutes.

[Mr. MACHTLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IN SUPPORT OF LEGISLATION TO MAKE PERMANENT THE MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAYNE] is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, as we consider final passage of H.R. 1385, I want to take this opportunity to reiterate my strong support for this important measure to make permanent the Martin Luther King, Jr., Federal Holiday Commission.

The Commission's work has enhanced understanding and appreciation of Dr. King's quest for justice and equality through nonviolent change.

Those of us who attended the March on Washington in 1963 will never forget his power to bring people together. We want to ensure that future generations share in our experience by understanding the world that existed during Dr. King's lifetime and the tremendous courage it took to change that world.

Dr. King inspired me as he did millions of others of my generation. He taught us valuable lessons about the importance of perseverance, involvement, determination, and leadership.

Mr. Speaker, I urge final passage of H.R. 1385 to ensure that Dr. King's legacy continues to touch our children and their children. His spirit will continue to live as long as we continue his crusade for a fair and just society.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes.

[Mr. McDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 60 minutes.

Mr. IRELAND. Mr. Speaker, I rise today to pay tribute to the American entrepreneur. Congress designated May 8 to 12 as "National Small Business Week" in recognition of the contributions made by American small business to our national prosperity and cultural heritage, and I would like to take the next few minutes to put before my colleagues some fundamental ideas about the role of small business in our economy and society.

Sometimes I think we gave our Small Business Committee the wrong name. For when it comes to making this country's economy go, the entrepreneurial sector is anything but small. It's big in job creation. Big in technical innovation. Big in export enhancement.

And small business is the modern-day embodiment of some big ideas that formed the fabric of our Nation even before the founding of the Republic. That fundamental idea is that the individual—not the State or its bureaucracies, not the impersonal institutions of the old world, but the individual—should form the centerpiece of our social fabric. The economic expression of individual values if found in entrepreneurialism.

That's not only a philosophical statement on my part, but also a practical statement as well. The leading role of small business in this Nation's longest economic expansion in history is well documented. Small business—which is really the activity of millions of individual entrepreneurs across the land—has far outpaced big business in job creation and technical innovation.

Yet despite the great strides made by small business in our economy and society, a bias for bigness exists in Washington. It's a bias that tends to ignore some of the special problems confronting entrepreneurs—a bias that tends to skew incentives and reward toward big business, big labor, and big government.

Despite this bias for bigness that permeates the Federal Government and the financial capitals of the world, I'm excited about something I see going on in America and across the world today—something I like to call an entrepreneurial revolution.

It's a discovery around the globe—and a renaissance here at home—of the fundamental ideals that made our society great, our economy strong, and our standard of living the envy of the world.

It is a new understanding of the true meaning of free enterprise—a free market economy, a government that protects the rights of individuals, and a people that realizes that entrepreneurial activity is not simply a means to riches, but is a promise of personal growth and individual liberty for each and every person.

Marx, Lenin, and Mao Tse Tung must be rolling in their graves at what

is going on in the Soviet Union and China. For even those countries—the paragons of stifled societies, centrally planned economies, and government by bureaucracy—even they have learned the wisdom of America—that power lies in people, not in institutions. That progress comes through incentives, not through government edicts. That less central planning is the secret to more public wealth.

I strongly believe that America's current strength and future potential lies in a nurturing of these ideals. Each and every man and woman in this country should be free to profit from their own initiative, without being victimized by hate, stymied by injustice or hampered by an intrusive government.

I think it is important for those of us in Congress to spread that message and to put it into action. We can apply entrepreneurial ideals in which Government, business, industry, and entrepreneurs can do some good for the world.

Because market forces can and should be forces of good in the world, not forces of greed. It is the values that we as individuals bring to the marketplace that will determine whether our society is just and our future secure, or whether avarice and injustice prevail.

There is great opportunity to put entrepreneurial ideas to work—in foreign trade expansion, urban revitalization, rural development, and third world development, to name just a few.

Ideas abound that would put to work in the public sphere the entrepreneurial values that are so vital to the private sector—ideas such as the establishment of urban enterprise zones to revitalize our cities, the application of free market principles to Third World development, and reform of defense spending to include small business and make large corporations more competitive.

We will make great inroads in lowering the trade deficit, bringing our cities back and helping the poor in this country and abroad—if we move away from a dangerous dependency on bureaucracies toward a nurturing of the power of the private sector. Therein lies hope for our Nation's young people, for immigrants and minorities, for people everywhere who yearn to breathe free and prosper.

At the beginning of this Congress, I introduced an Omnibus Small Business Act to call attention to specific needs of the entrepreneurial sector. That bill drew upon legislation introduced by myself and a number of my colleagues in the past, as well as from the two White House Conferences on Small Business that have been held here in Washington.

The Omnibus Small Business Act contains six titles addressing some

fundamental problems faced by individuals seeking to start or maintain a profitable business. And it proposes some ground-breaking ideas for reform of the way the Federal Government perceives and treats small businesses.

Briefly, this act would:

First, elevate the Administrator of the Small Business Administration to Cabinet-level status, so that the entrepreneur would have a voice at the highest level of economic decisionmaking;

Second, permanently authorize the White House Conferences on Small Business, which have provided so much valuable information on the needs and concerns of the entrepreneur;

Third, subject agencies that fail to comply with the Regulatory Flexibility Act to full judicial review;

Fourth, apply the Regulatory Flexibility Act to the Internal Revenue Service, so that the IRS must lessen the burden its paperwork imposes on the entrepreneur, section 89;

Fifth, direct the SBA to conduct a study of the overall impact of Federal regulations on the productivity of small business;

Sixth, address the availability of affordable credit to small businesses. Even the most credit-worthy individuals can have trouble finding affordable credit when it is to be used to start or improve upon a small business. We need to address the shortcomings in our credit markets and come up with some creative solutions.

At the same time that we seek to make the Congress to better understand the positive potential represented in our entrepreneurial sector, we must also be cognizant of the problems faced by individuals seeking to start and run a profitable small business. In addition to the lack of affordable credit and burdensome Government regulations, a whole litany of proposals are marching through Congress that would greatly reduce rewards and incentives for owning an individual enterprise.

We must be careful, as we seek to meet some of the challenges that face our society, that we do not lay a disproportionate burden of the solution on the shoulder of the entrepreneur. We must avoid the temptation to impose antigrowth policies like mandated benefits, such as parental leave and health insurance; a significant increase in the minimum wage; or an increasingly complex Tax Code.

As National Small Business Week unfolds, let us toast the millions of entrepreneurs across our Nation. They are the source of our prosperity and the backbone of our individual freedoms.

LEGISLATION

Mr. Speaker, this week in honor of our 7 day salute to small business, several important pieces of small business legislation will

be introduced. First, a man who has faithfully served the public in this House for more than 30 years—the true champion of the entrepreneur—Representative SILVIO CONTE of Massachusetts—will drop two new bills. The first one will be entitled “The Small Business Protection Act”. Essentially it will require a small business impact statement whenever a Federal agency attempts to consolidate a number of single small contracts into one large multi-function contract. This practice, known as bundling, adversely impacts upon small business because it effectively eliminates them from becoming prime contractors. Mr. CONTE’S second bill—“The Women’s Business Equity Act”—would make permanent the Office of Women’s Business Enterprise at the Small Business Administration, would provide for a uniform and preemptive certification process for WBE’s and would include them in agency goaling efforts. I will be pleased to cosponsor both important initiatives.

Next, the distinguished chairman of the House Subcommittee on Exports, Tax Policy, and Special Problems will reintroduce two pieces of legislation aimed at strengthening the Regulatory Flexibility Act of 1980. One will call for inclusion of the Internal Revenue Service under the act and the other will seek to include REA under full judicial review. Both of these issues arose in the original negotiations over the act but due to various political pressures they were not included in the final draft. Now more than ever they are needed and I will cosponsor both fine initiatives. Also my good friend IKE SKELTON chairman of our Procurement, Tourism, and Rural Development intends to this week introduce a much anticipated rural development bill which we all await with great interest.

Finally, along with SIL CONTE today I have reintroduced legislation which would permanently authorize White House Conferences on Small Business. They would be convened once during each Presidential term. In my opinion it is hard to argue with people who say that the true significant advances for small business have come during the last decade thanks in large part to the first two White House Conferences. So the facts speak for themselves. We should have more conferences until there is a perception that our work is done.

Mr. Speaker, there has been a lot of other excellent legislation introduced over the last 5 months. As a result, we look forward to a lot of positive activity on the House Small Business Committee. However, let us not deceive ourselves. Our committee jurisdiction is somewhat limited. Much that goes on in this House that affects small business is action that occurs on other playing fields. We must work with members on other committees to insure that our voice and our sincere feelings are heard and not just in the introduction of legislation. Much that will have a profound economic effect—minimum wage, mandated benefits of all sorts, and the like—are past the early development stages and are approaching the floor debate stage. We must prepare ourselves with the facts of the amazing economic revival of the last decade and convince those who would unnecessarily tinker with the world’s foremost freest and efficient marketplace to reconsider some of the flawed social

manipulative proposals that are unfortunately moving forward.

INTERNATIONAL TRADE

Mr. Speaker, in the last decade there has been an awakening in this Nation to the sad fact that for too long the bulk of American exports have come from a handful of behemoth corporations. If we are truly to compete in the emerging sophisticated world market place we must have a lot more players on our team particularly from the small business sector of the economy. I have been working on this problem for some years now. Legislation I introduced to turn around many of the programs at the Export-Import Bank and redirect resources to small business are beginning to bear fruit. Also my call for an assistant for small business within the Office of our Trade Representative is a month or so from reality. Progress is being made but the remaining workload is by no means a light one.

In this context I would like to bring to the attention of all my colleagues an historic event which will take place this coming October. This is an event which will be called Export-89—the American European Small Business Trade Congress. This is the first ever trade event sponsored by the Department of Commerce exclusively for small business. It cuts across all industry lines and includes products and services. The event will be held in Frankfurt, Germany October 25–29, 1989. The purpose of Export 89 is to assist small business to identify business opportunities in Europe; provide a vehicle for organizations who want to network with American and European small business; and to expand the role of small business in the trade policy process.

The Export 89 concept was shaped in consultation with a group of small business advisors appointed by the Secretary of Commerce and the USTR to the Industry Sector Advisory Committee on Small and Minority Business for Trade and Policy Matters, [ISAC 14]. This concept also includes recommendations from the 1986 White House Conference on Small Business. Export 89 includes a trade policy symposium at which American and European small businesses will discuss issues that have been identified as important to both United States and European small business. Participants at the symposium will vote on issue recommendations. Initially four key areas of concern have been developed—tariff and non-tariff barriers; Europe 1992; Intellectual property rights; and export financing. Export 89 will provide an opportunity for small businesses to identify specific impediments to their exports and develop creative solutions to overcome these problems.

In preparation for Frankfurt, Commerce will sponsor along with KLM-Cargo five trade issue symposia during the month of June in Boston, Atlanta, Cleveland, Phoenix, and San Francisco. The symposia will be held in these cities, includes lunch, and is free to participants. Papers developed here will be printed and distributed to all Export 89 participants prior to Frankfurt. I urge all members to take notice of this extraordinary event and to immediately notify their small business constituents. Later I will be sending a dear colleague with more facts about this event as they are developed. I also want to extend public thanks

and congratulations here before the House to an extraordinary public servant—Ms. Helen Burroughs, the Executive Director for Export 89 and a long time employee of the Commerce Department. Ms. Burroughs has worked valiantly for the small business I.S.A.C. over the years and I can honestly say that without her dedication and perseverance I would not be able to tell you today that Export 89 is a reality. Our Nation's small business exporting community owes her a tremendous debt of gratitude.

WOMEN IN BUSINESS

Women-owned small businesses are in the mainstream of economic growth. Long-term social, economic, and technological changes have shifted U.S. industrial employment from a predominate agricultural, mining and manufacturing base toward the service sector. This employment trend has favored the growth of many small firms that can readily respond to specialized demands. Entrepreneurial activity has expanded greatly, creating thousands of new and innovative small businesses and new jobs. Women-owned businesses too, are riding the wave of this trend: they are the fastest growing segment of the small business population.

What are the reasons for this rapid increase in women-owned businesses? Three factors have been particularly important. First, as wage-and-salary workers, women have acquired skills and experience that can be translated into entrepreneurship. Working in traditional occupations, women have gained skills which they are applying in business ventures from retail sales to data processing and health care.

Women are also moving into a wide range of traditionally male-dominated occupations, from construction to law. They were employed as professional and technical workers, managers, and administrators in areas with direct entrepreneurial potential. They gained experience as computer specialists, lawyers, doctors, dentists, pharmacists, bank officials, and financial managers. While most of the women in sales continued to be concentrated in low-wage retail sales jobs, the number in real estate, insurance, manufacturing, sales, and finance and investment increased.

In blue collar occupations, more females became work supervisors, painters, construction and maintenance workers, and printing craftworkers. They made substantial inroads in telephone installation and repair and worked as gas station attendants, butchers, welders and bus and truck drivers. As women accumulated experience in these fields, they became better prepared to operate their own business.

A second factor opening new doors for women is their achievement in higher education. Educational achievement for women promises to improve their potential for business ownership and the quality of the activities they undertake. Through education, more women are positioning themselves for business opportunities in such expanding fields as aerospace, telecommunications, electronics, and biomedical engineering. Educational accomplishments also improve their income potential.

Perhaps the most important reason for the rapid rise of women's business ownership is the expanding role of small business in the

Nation's economic growth, especially in the service sector. The long-term fundamental shift of U.S. industrial employment from agriculture, mining, and manufacturing to the service sector has created an entrepreneurial economy. The role of small business as innovators and job generators in the economy is now recognized and well documented. Small enterprises also have been the leading generators of new jobs in services, the fastest growing employment sector. Women are identifying with and participating in this trend. In fact, most women-owned businesses are in the service sector.

Service sector industries, although vastly different in many ways, are linked by common traits that lend themselves to small and women-owned business ventures. Many of these industries are dominated by characteristically labor-intensive, small-scale operations that require limited capitalization in fields that are relatively easy to enter. Many utilize skills that women have traditionally acquired in other societal roles and occupations—in human resource development, health care, education, consumer relations, and sales.

Mr. Speaker, last Congress we passed H.R. 5050, a bill to further assist the development of women-owned business. We must insure that this program works and build upon that foundation with Representative CONTE's new bill to be introduced this week which I discussed earlier.

SMALL BUSINESS ADMINISTRATION

The Small Business Administration is unique in concept and design because it is the only Federal Government agency possessing programs specifically designed to promote and protect the welfare of small business. Of course, other departments and agencies of the Federal Government do have programs which benefit small business, but in every case these programs were fashioned to assist constituencies other than the small business community, and the advantages which accrue to small business from these programs do so only ancillary to the main purpose of the program.

SBA's birth was made possible by the experience gained from several agencies which preceded it. These experiments provided the program testing which ultimately cast the mold from which SBA was formed.

President Dwight D. Eisenhower so wanted the agency's creation that he asked the Senate to suspend floor consideration and accept a House amended bill which they did and on July 20, 1953 the bill was signed into law and the SBA was born. Since then the SBA has done a great deal of good for this Nation. As with any other Federal entity there have been ups and downs and some sad chapters in the agency's history. Overall, however, the Nation has received its annual tax investment, that supports the agency, back many, many times over. Mr. Speaker, we congratulate the newest SBA Administrator—Susan Engleiter on her appointment and wish her well.

THE SMALL BUSINESS ROLE INNOVATION

Small Business plays an important role in originating new products and processes. This ability to innovate is frequently cited by commentators and policymakers as an essential rationale for focusing attention on small busi-

ness. Precise measurement or description of the small business contribution to innovation is an ongoing pursuit. Yet we must continue to study the innovation process in order to make informed policy decisions aimed at encouraging industrial and scientific contributions.

Small businesses have been the idea-generators and risk takers for numerous innovations that have changed the quality and style of life in America. These innovative small businesses are found across industries, but public attention is generally focused on these firms only when a major innovation is generated, or when successful innovation leads to dramatic firm growth. In recent years additional attention has been centered on a new class of small technology-based businesses. These firms are found in industries characterized by an above average concentration of scientists and engineers, a high level of research and development expenditures, and a continual involvement in the dynamics of innovation.

It is our job in the Federal Government to appreciate how important innovation is and where it comes from. For if we do not encourage and support American innovative genius you can bet some foreign competitors will. The dye is cast.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Mr. Speaker, I yield to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, it is my pleasure to come to the House floor today to commemorate Small Business Week, and I would like to thank Congressman IRELAND for organizing this special order. I take particular pleasure in this event because it's only been since January 3, 1989 that I became a Congressman. Prior to this I was a small businessman. Since 1969 I have owned and operated a small business in the Ozark Mountains of southwest Missouri, and when I say small business that's exactly what I mean. We employ a total of seven employees. And I can tell you from first-hand experience, in the Congress and in a small business, that the Congress has not made things easier for the small businessman since 1969. It used to be that the American dream was to own your own home and your own business. If you needed help to open your business, you went out and got a partner. Today, whether needed or not, the person starting a business has a partner from day one. But the only things that our modern partner brings to the business are mounds of paperwork to be filled out, incomprehensible regulations such as section 89, and, of course, a demand for a large share of any profits made in return for these invaluable services. The partner I speak of is, as you know, the Federal Government.

So, if ever a week recognizing the progress and contributions of small business was needed, it is now. You would think that, on this one week out of the year Congress would not do

anything further to harm small business. Well, that is not the case. On Thursday of this of all weeks, we will again make things harder on America's small businesses and put a few more small businesses out of business by voting to raise the minimum wage to \$4.55 an hour. Is that not ironic?

For this reason, I have cosigned a letter to President Bush supporting his veto of our minimum wage bill. There is a better way to help the working poor without harming small business and that is through an earned income tax credit.

But we will not stop with raising the minimum wage. No sir, small business should be so lucky. Later in this session we will consider bills to force employers to offer health insurance and parental leave to their employees. These mandated programs will force every business to raise prices, lay off employees or go out of business. What we don't need is fewer jobs and more inflation.

Congress seems to have sensed that the public will not tolerate higher taxes to provide for a larger government, so the mandate has replaced the tax. Now, rather than tax people so the government can do something, we simply mandate that the private sector do it. Some on Capitol Hill think we can pass mandates without putting people out of work and out of business. They are sorely mistaken. If the politicians would only take the time to listen to the small businessmen of America, they would hear otherwise. If you require an employer to pay more in wages, if you require an employer to offer greater benefits, that employer will not hire as many new employees when we has the opportunity to do so and that employer might well layoff the marginal employee. And that employer might well go out of business if the Government raises his costs and he cannot find a way to lower them enough to make a return on his labors.

But make no mistake about it, small business is America's future. No matter how hard we in Congress try to make it otherwise, the entrepreneur will remain the backbone of our capitalist system. In fact, over 70 percent of the more than 17 million net new jobs created this decade have been in small firms. According to the President's 1988 report on the state of small business, 10.5 million net new jobs were created in this field, of which 6.6 million were with firms employing 500 or fewer, and 4 million jobs were created by firms with fewer than 20 employees. Clearly, if we are to continue our economic expansion into the 1990's, small business must be at the forefront of this effort.

Hard work, pride in service, intimate knowledge of the market, and, above all, a commitment to the customer, these qualities have come to exemplify

small business. Unfortunately, tolerance of Government interference and, now, Government mandates have also become synonymous with small business. I am proud to be a small businessman, I hope I can be as proud of my service as a Congressman. I hope my fellow small businessmen will like my work as member of the House Small Business Committee. I am especially proud to speak here today on behalf of Small Business Week honoring the small business people of America.

Mr. IRELAND. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, today we are honoring one of America's strongest economic forces. On my part, it is a pledge of faith to do all that I can to protect the small businessman and woman, to protect the jobs that these firms create, and to preserve the independence, innovation, and potential which is embodied in the very idea of a small firm.

As the newest member of the Small Business Committee, I am particularly honored to pay tribute to our Nation's small businesses.

We all have good reasons to be interested in the success of small business. The rewards of small business make up at least half of our GNP.

In my State of Rhode Island, small businesses take on a special importance. Over 99.7 percent of all businesses in Rhode Island employ less than 500 people. Virtually all of our economic success can be attributed to the work of small businessmen and women.

When over half of the Nation's GNP is coming from one cumulative source—small business, it is high time to give credit where credit is due. We ought to bring small businesses into the loop, and offer them the kind of high profile that they deserve.

Small businesses create jobs. Notably, while the national unemployment average hovered around 5.4 percent last year, Rhode Island was one of only 17 States with an average unemployment rate of under 4.1 percent.

In fact, in my district of Rhode Island, almost 97 percent of the population is employed. Coming from a State where industry is composed almost entirely of small firms, the unemployment figures in my district make a pretty good case for the strength of small business to keep the economy healthy.

Because small business is so integral to America's economic future, I have cosponsored legislation sponsored by my distinguished colleague, Mr. IRELAND, which would both raise the status of the Administrator of the Small Business Administration and create a White House Conference on Small Business.

It is time to provide national recognition for an exigent factor in America's overall success, to applaud the efforts of many hardworking individuals, and to offer incentives for the further creation of independent, self-made firms that can both survive, and thrive in a competitive marketplace.

Mr. MILLER of Ohio. Mr. Speaker, I want to join my friend and colleague ANDY IRELAND today in paying fitting tribute to the tremendous importance of small business in America's economy. This week, we have observed Small Business Week in this country—with the theme being: "Small Business is America's Future."

All too often, in a nation as strong and vibrant as ours, we tend to take for granted the soundest elements of our economy. For years, the strength of our economy has been in the small business sector. For years, it has been the hard work of enterprising small business persons who have oiled the economic wheels of democracy. According to the Small Business Administration, 98 percent of the businesses listed in their data base have fewer than 100 employees. There are currently 3.8 million businesses listed in the SBA's data base file. In 1983, nearly 40 million employees were gainfully working in a small business workplace. Imagine this Nation's well-being—both at home and in the competitive nature of international marketing—without the small business backbone.

There is also an important education renaissance involving small business underway in this Nation. Small business firms hire two out of every three new workers. With that comes a commitment to training. Small business training takes unskilled workers into the business world, equipping them with new talents that benefit us all. Almost one-third of the workers in firms of less than 100 employees are between the ages 16 and 24, according to the Census Bureau. By training these young people, small business is preparing a new generation of workers to assume the economic responsibilities that will be necessary to keep America strong and competitive.

A number of successful small business operators have been in Washington this week. Each in their own way has a successful story to share. They have, in a real sense, made free enterprise responsive. They've given it definition and vitality. The outstanding firm selected as Ohio's Small Business of the Year calls the 10th Congressional District home. Lloyd and Lee Middleton of Coolville, OH, have successfully operated the Middleton Doll Co. for several years. They are preparing to open a facility in Washington County. They have provided the market with exceptional dolls of the highest quality and, in the process, they've added richly to the local economy and the job market in an area always welcoming new opportunity and economic growth.

I want to commend all small businesses today, especially those which have contributed so much to the development of southeastern and central Ohio. I congratulate Middleton Doll Co. and the Middleton family. I endorse the value of the small business man and woman in our society and I hope that Congress will continue to give appropriate recog-

dition to those who make a difference, daily. Thank you, Mr. Speaker.

Mr. HATCHER. Mr. Speaker, I rise today during Small Business Week to discuss the Small Business Development Center [SBDC] Program, a vital support mechanism for small business in my State of Georgia and throughout the country. SBDC's draw from resources of local, State and Federal Government programs, the private sector, and university facilities to provide managerial and technical help, research studies and other types of specialized assistance of value to small business. These university-based centers provide individual counseling and practical training for small business owners. At the end of fiscal year 1988, there were 53 SBDC's in 46 States offering "one-stop" guidance and assistance to our Nation's entrepreneurs.

Since the Bush administration has followed the recommendation of President Reagan's last budget request and targeted the program for elimination, I feel it is appropriate to discuss the importance of this program to the small business community in America and to my constituents in particular.

During 1988, the national SBDC network counseled approximately 125,000 present and prospective small business owners. In addition, more than 275,000 businesses received training on a variety of management subjects.

The SBDC network in Georgia has existed for nearly 12 years. Through its statewide network of five regional and five district centers, four subcenters, and 55 satellite offices, the Georgia SBDC Program provides the Georgia small business community with information important to making sound business decisions. Its basic functions include counseling, continuing education, and the collection and dissemination of information. The Georgia SBDC works with 20 vocational-technical schools in its efforts to provide services in the most convenient locations for clients. In addition, the SBDC is involved with at least 50 chambers of commerce throughout the State. In 1988, the Georgia program became one of the first SBDC networks to be certified by the Association of Small Business Development Centers, a recognition of its preeminent position and leadership role.

The Georgia SBDC network has had several achievements during the past few years. In particular, the delivery of basic services, counseling and training has been upgraded and expanded, with an added interest in serving rural Georgia. This has been accomplished despite severe budget constraints.

The network offers one of the Nation's most effective service programs to the State's minority business community. One of the greatest accomplishments of Georgia SBDC's has been its contribution to the economic advancement of minorities and the disadvantaged in our State.

In the past 2 years, the Export Assistance Program has been revitalized in an effort to increase the involvement of Georgia-based business in international trade. SBDC clients in Albany, GA, the largest city in my congressional district, have participated in a seminar program that addressed the implications of an integrated European common market for American small business.

During 1988, the Georgia SBDC served 978 clients in my congressional district located in southwest Georgia and served entrepreneurs in each of the 30 counties that I represent; 406 clients were served in Albany, and seminar programs were offered on other topics such as small business tax policies, computer programming, and advertising.

It is significant that over the years the National SBDC Program has drawn local and State financial contributions to the extent that Federal dollars now constitute only a minority share of the national network's support. This cost-effective program has proven itself time and time again. As I have described, these development centers provide technical assistance to struggling entrepreneurs across the country on items ranging from personnel management techniques to identifying overseas market opportunities.

I strongly believe that the SBDC Program, having helped to create thousands of new jobs and many new businesses, has reached a level of success that more than justifies its cost. This is one of the few Federal programs that addresses a broad range of small business economic activity. Economists suggest that 80 percent of all new jobs are generated by companies of 100 employees or less. The SBDC network is a vital element in that employment creation process. I call upon my colleagues to support full funding for the SBDC Program during the coming fiscal year.

Mr. FAWELL. Mr. Speaker, I rise to salute small businesses across our Nation, and also in my State of Illinois. Small business has been the engine behind the tens of millions of new jobs created in this country over the last several years.

Although more small businesses appear to be succeeding than in years past, this is largely due to a healthy economy. We know that small firms are usually the first to feel the pinch in an economic slowdown, and we have been warned that business failures will likely begin to climb by the mid-1990's. We must act now to ensure that the future of America's small businesses is a promising one. We must not continue to create new congressional mandates that strangle the ability of small business to innovate and to respond to a competitive marketplace.

Mr. Speaker, Congress will soon vote upon an increase in the minimum wage, and we are also considering a national mandate for family and medical leave, mandated health benefits for virtually all employees, compulsory unionism in construction trades, and nondiscrimination rules in employer-provided health care. As we examine these and other proposals that will impact small businesses across the country, such as a reinstatement of the capital gains differential, let us make a commitment to encouraging the growth and success of small firms, rather than strangling them with congressional mandates.

Mr. WEBER. Mr. Speaker, this week we are paying tribute to this Nation's small business community. The small business men and women have made an enormous contribution to this Nation's economy. They have been, in large part, responsible for the longest peacetime economic expansion in this Nation's history. In addition, they have helped create over 20 million new jobs during the last 78 months.

The lesson that we must learn, Mr. Speaker, is that this Nation's future prosperity largely depends on the strength of small business.

This is why I think the theme for this year's tribute is so appropriate. "Small Business is America's Future." But I want to take this opportunity to point out to my colleagues that we could be inadvertently threatening their future. In the May 3d edition of the Wall Street Journal, Anthony Obadal argues that Congress is trying to make changes in the estate tax laws that will have an adverse impact on the survival rates of family held small business. I would encourage each of my colleagues to read this article and ask that it be placed in the RECORD.

The future of America's family business ought to be a top priority for our Government. Therefore, we should support policies which encourage the growth and expansion of small business and oppose any legislation which would tax them out of existence.

TAX LAW MAKES IT HARDER TO KEEP FIRMS IN FAMILY

(By Anthony J. Obadal)

For closely held businesses to survive, their assets must pass from one generation or group of employees to another. But, slowly and quietly, Congress over the past few years has made changes in the estate tax laws that threaten this continuity.

Currently, federal estate taxes have a \$600,000 exemption, a starting rate of 35 percent and a top rate of 55 percent. The estate-tax changes adopted by Congress in 1981 applied these rates to the fully appreciated market value of property at the date of death, rather than to the property's original purchase price or earning ability.

Because few family or other closely held businesses could survive these prohibitive rates, which strip them of substantial portions of their assets to pay taxes, the tax mavens quickly devised techniques to pass on a business to family members or to employees before the principal's death. These techniques generally involved "freezing" the value of the principal's holdings on the date of the transfer.

Under a typical estate-freeze transaction, parents who owned a business would convert their common stock into preferred and have the company issue new common stock to the children. The value of the preferred stock was frozen for tax purposes, and an annual income through dividends was received by the parent. This preserved continuity, kept the older generation involved in the business, and provided the older principal with a comfortable retirement income. The children benefited as the value of the common stock grew through their own efforts, and the increase in the business's value was not included in the parents' estate. Thus, the sale of the business to pay taxes was not necessary.

Congress was not happy. While the details, exceptions and special rules are too complex to cover here, the 1987 Revenue Act and the 1988 Technical and Miscellaneous Revenue Act changed that estate-freeze rule to prevent, among other things, the transaction described above. Additionally, the law was drafted broadly and may apply to certain transfers to employees or other non-family members.

Generally, transferred property will not be included in a decedent's estate if it was sold at fair market value in an arm's length transaction. But there are special rules for

sales to family members. Thus, even if a parent sells all his common stock in a corporation to a child for fair market value but retains the preferred, the value of the common stock at the time of the parent's death will be included in his estate.

The estate-freeze provisions of the code were attacked last year by the American Bar Association as discriminatory and anti-family business. Several other trade associations also attempted to obtain modification or repeal of these sections. These efforts continue.

However, attacks on small business estates have just begun:

On Jan. 15, the Washington Post published a "Tax Menu" listing as one of the "juiciest" tax options a tax on capital gains at death. "This," the Post said, "would remove the exemption that allows stock and other assets to be passed to heirs free of capital tax, leaving assets whose value has been rising for 30 or 40 years subject only to the estate tax." Estimated revenue enhancement per year: \$4.9 billion. Three days later, the New York Times called for a capital-gains tax at death as a trade-off for a reduction in the capital-gains tax rate.

Also in January, the Consumers Union called for gift- and estate-tax changes to finance a "comprehensive and universal social insurance program."

Sen. George Mitchell of Maine, the new majority leader, favors a 5 percent surtax on estates over \$200,000; Rep. Henry Waxman (D., Calif.) favors a 10 percent surcharge on estates over \$100,000; Rep. Pete Stark (D., Calif.) wants to reduce the estate and gift exemption to \$300,000 and change the rate structure with a beginning rate of 15 percent for estates over \$300,000 rising to 70 percent for estates over \$5 million. All three want to use these taxes to finance their proposals for long-term health care for the elderly.

Still others, such as Robert Kuttner in Business Week last September, have called for changes in inheritance taxes to finance child-care entitlements so that "middle and lower class children could begin life with a few advantages, too."

Let's face it. If the estate-freeze provisions are not changed, if estate-tax rates remain confiscatory, if surcharges are added to the already excessive rates, or if a capital-gains tax at death is adopted, family businesses are at their end.

The continuity of America's family enterprises ought to be of major importance to our government. Such businesses are fundamental to our economic and social structure, allowing our citizens to become economically independent. As former Sen. Mark Andrews (R., N.D.) a leader in the estate-tax reform fight, has said: "It is in our best democratic tradition to preserve and encourage that continuity within families, not tax such businesses out of existence."

Mr. BROOMFIELD. Mr. Speaker, once again Congress will set aside a week to commemorate the small business men and women who are making the American dream a reality. Small businesses are the cornerstone of the American economy, their contribution to this country is the sum and substance of free enterprise. Small Business Week deserves the support of everyone who believes in this country and our economic system.

Tragically, all the warm words and praise which are a part of this commemorative have a hollow sound this year. The problem stems from a continuous assault on small enter-

prises by Congress. The gradual elimination of the "mom and pop" stores has shown us the fragile ground many of these businesses stand upon. However, the issue for small business today is not protective legislation, it is much more basic. Today, small businesses are simply asking for a chance to operate as they always have, without confronting an army of new regulations and tax assessments every time Congress adjourns.

Well intentioned legislation such as section 89, the Plant Closing Act, mandated parental leave, the minimum wage bill, and mandated health benefits, all combine to produce a deadly environment for small business. Encroaching socialism is quietly bleeding small enterprises to death. Unfortunately, many legislators are reluctant to take a step backward and examine the dangerous course Congress has chartered for the men and women we honor this week. I sincerely hope we can reverse this trend and recognize that the survival of small business has a great deal to do with our own survival.

Mr. SISISKY. Mr. Speaker, I rise today to celebrate National Small Business Week. I use the word celebrate in the most formal sense of the word, that is: a respectful observation and to hold up for public appreciation. Small businesses play an essential role in the national economy. The strength of the small business community is the strength of the Nation. American small businesses should be honored and celebrated in every sense of the word.

To commemorate this occasion, I, along with my good friend ANDY IRELAND, today offer two pieces of legislation that will go a long way toward helping small businesses cope with the vast amount of Government red tape and bureaucracy that too often inhibit the entrepreneurial spirit. These two bills will amend the Regulatory Flexibility Act and thereby make the regulators further accountable to the regulated.

Our first bill amends the Regulatory Flexibility Act to require the Internal Revenue Service to comply with the regulatory analysis provisions already in the law. Up until now, the IRS has been specifically excluded from the requirement that all Federal agencies must analyze all new regulations and determine the costs of any proposed regulations to small business and to make every effort to pursue the most cost-effective alternative.

For too long, the IRS has promulgated rules that bind and constrict American small business with complex and incomprehensive regulation. The excuse has always been that IRS rules merely reflect the will of Congress in so far as tax legislation is concerned. We can no longer afford to be satisfied with this excuse. Tax rules should and must take into account the ability of the regulated to understand and comply with the tax laws. Tax regulations should also minimize the cost of compliance to the regulated.

Our bill will accomplish this important end.

Our second bill will allow Americans to challenge agency rulemaking by using the failure of an agency to fully comply with the analytical requirements of the Regulatory Flexibility Act as the basis for a cause of action.

Currently, an agencies' failure to fully comply with the requirements of the Regula-

tory Flexibility Act is merely a consideration in any court challenge of agency rulemaking under the Administrative Procedures Act. The failure of an agency to conduct a regulatory flexibility analysis on the costs of a proposed regulation to small business or an agencies' certification that there is no particular burden imposed by a proposed regulation on small business does not constitute grounds for an original cause of action. As a result, agencies can take their responsibility to analyze the cost to and effect of a proposed regulation to small business too lightly.

The resulting harm to the small business community can be substantial. Unfortunately, there is now no way for the business community to challenge such agency lapses.

Our legislation will insure that Federal agencies are judicially accountable for complying with their legal responsibilities to the small business community. The failure of rulemakers to fully analyze the costs of proposed regulations to small business, and the failure to select the least costly regulatory alternative will be met with the full range of procedures now available under the Administrative Procedures Act.

These two pieces of legislation can go a long way to strengthening the voice of the small business community in the regulatory process. Mr. IRELAND and I invite you to join with us in cosponsoring these bills and in making National Small Business Week a true celebration of the American entrepreneurial spirit.

Mr. HORTON. Mr. Speaker, I rise today with my colleagues to recognize America's future hope for economic prosperity—small business. I want to thank Congressman ANDY IRELAND for taking out this special order and for focusing our attention on these dynamic enterprises.

Nothing embodies the spirit of the American dream like a successful small business that has been transformed from an inspired idea into a prospering entity. This is the ideal, unfortunately, in many occasions, it is not the reality.

Our small business men and women are confronted by problems on several fronts. Among these challenges are the rising labor and health care costs, increased Government regulations, and competition from larger corporations. As we in Congress look to address some of these issues, it will be imperative for us to take into account how our proposals affect small businesses.

While we need to set effective health and safety standards and reasonable levels of compensation, we must ensure that our well-intentioned efforts do not, in effect, cripple the enterprises which employ the people we are trying to protect. I think this special order will be helpful in outlining these problems and I thank the gentleman from Florida for his efforts.

Mr. GOSS. Mr. Speaker, I would like to go on record today in recognition of the vital role that small business plays in our national and local economies—and particularly in my district in west coast Florida. In many ways, small business is the heart and soul of our economy. Today there are more than 13 million entrepreneurs in this country. In recent

years we've seen that small businesses continued to create new jobs, even while some big businesses were forced to cut back. In many parts of this great country small businesses are in fact our largest, most consistent employers.

Small business men and women provide a wide range of goods and services. Most of our Nation's shops, restaurants, delicatessens, and dry cleaners are small businesses. Most of our Nation's realtors, insurance agents, and pharmacists are employed by small business. Small business men and women make up the majority of volunteers who support such important organizations as the National Federation of Independent Business and our chambers of commerce. In fact, we all depend on the entrepreneurship and reliability of small businesses for many aspects of our daily lives.

Yet despite the numbers and scope of our small business community, all too often these hard-working individuals and families are forgotten in the process of developing legislation. For example, such well-intentioned legislation as section 89, mandated benefit programs and minimum wage increases have been proven to have devastating effects on small businesses.

It is my hope that those of us in the 101st Congress will make every effort to consider the needs of small business as we draft and vote on these types of legislation in the future. As we seek to meet the enormous economic and social challenges of the coming years, we must never lose sight of the fact that our small business community is one of our greatest national resources.

Mr. CONTE. Mr. Speaker, upon the occasion of Small Business Week 1989, I rise to pay tribute to America's small businesses. This is the 25th year we have so honored small businesses and it can be truly said that America's 19 million small businesses are indeed America's future. Over the years much has been said about small business; how small businesses employ 55 percent of all workers, create 66 percent of all new jobs, provide for 50 percent of all major innovations, and produce 40 percent of the gross national product. It has been said that American small business produces so many goods and services that it can claim to be the world's fourth greatest economic power. Indeed, small business is indispensable to a healthy economy and full employment in this country. I believe that the reason small business is so successful is that small business is the ultimate competitor. Small business is the machine that will power America into the 21st century.

Mr. Speaker, in fiscal year 1987, small business won \$61 billion in Government contract awards, or 31 percent of the total value awarded. I believe we need to increase small business participation in Federal procurement. Two ways we can accomplish that is through increasing small business contracting opportunities and increasing competition for Federal contracts.

In the historic 100th Congress I successfully authored legislation to enhance the powers of the SBA's breakout procurement center representatives. BPCR's are advocates of competition in the procurement process. As a direct

result of this legislation, small business will receive a greater portion of Government contracts and the enhanced small business competition will generate substantial cost savings to the taxpayers. This week, in order to continue my drive for increased opportunities and competition, I am introducing two bills—the Small Business Protection Act and the Women's Business Equity Act. The Small Business Protection Act will amend the Small Business Act to provide for a small business impact statement whenever an agency proposes to combine several small contracts into one large multifunction contract. This pernicious practice effectively eliminates small business as prime contractors. My bill, if adopted, will require a small business impact statement on any contract action designed to avoid small business set asides. The Women's Business Equity Act amends the Small Business Act to create a preemptive and uniform certification process for identifying women-owned businesses, enhances Federal procurement opportunities through goal-setting and subcontracting requirements and permanently establishes the Office of Women Business Enterprise in the SBA.

Mr. Speaker, according to the latest Federal procurement data, 98 percent of all contract actions were for purchases less than \$25,000, of which small business won 46 percent of the dollar volume. In actions above \$25,000 small business garnered only 15 percent of the dollar volume. But all those actions under \$25,000 account for less than 10 percent of the total dollar volume awarded in fiscal year 1987. In other words, the 2 percent of contract actions above \$25,000 is where the money is and where the next battlefield will be for small business. Our goal, as small business champions, is to ensure that small business participation in Federal procurement achieves parity with their contribution to the gross national product, which is now 40 percent. That parity or 9-percent increase should come from prime contracting actions—those actions above \$25,000.

Mr. Speaker, it is my great privilege to serve on the Small Business Committee. I first joined the committee in 1965 and from 1969 to 1978 I was the ranking minority member during which the committee was upgraded from a select committee to a permanent select committee in 1971 to a standing committee in 1975. It is a committee rich with history and accomplishments and it has worked hard to serve and protect small business. Today, during national Small Business Week 1989, I would urge all my colleagues to catch the spirit and excitement of small business and make the 101st Congress the Small Business Congress.

Mr. HILER. Mr. Speaker, let me begin by thanking our distinguished colleague, Mr. IRELAND, for helping this House and this Nation recall the tremendous contributions and achievements of our country's small businesses and the employees who work so hard to help them succeed. We all owe our gratitude to these men and women who ignited one of the great economic recoveries in our history.

During the course of this week, one which we rightfully reserve to commemorate small businesses, many of our colleagues will set forth in speech the compelling story of the en-

trepreneurial spirit of America. I join in their enthusiastic applause for these contemporary pioneers.

Yet I wonder if we might better express our appreciation to the small business across the land through action. Action that will relieve workers and business owners of the threat of heavy tax penalties. Action that will allow small businesses—and hospitals, clinics, school districts, cities, and States—to offer basic benefits to their employees. Action that over 300 Members of Congress support—the repeal of section 89.

As my colleagues know from the thousands of letters our constituents wrote, the Tax Reform Act of 1986 extended, for the first time, nondiscrimination rules to qualified health plans, accident insurance, and other employer-provided benefit plans without any evidence that widespread discrimination existed. The labyrinth of formulas, calculations, reporting periods, and other complicated and esoteric considerations all combined to make section 89 incomprehensible. And a well-intentioned attempt to simplify and clarify the requirements in the technical and miscellaneous Revenue Act of 1988 only added confusion to chaos.

The cost of compliance to our Nation's citizens can reach the billions of dollars. Unintended missteps can draw inordinate penalties on workers' benefits and small business owners. The costs and threats of these heavy penalties may well persuade many businesses that the risks of offering these important benefits far outweigh the advantages—a sad, but reasonable conclusion that would harm many workers.

Last January, 42 colleagues and I joined Congressman LAFALCE, chairman of the House Committee on Small Business, in offering legislation to repeal section 89. The bill, H.R. 634, was a product of 2 days of hearings before the Small Business Committee, and the horror stories presented there leave no doubt in my mind that section 89 must go.

So as we enter National Small Business Week, let us match our words with deeds. Let those who serve in the executive branch act now to waive these onerous penalties, and let those of us who serve in Congress act now to repeal the threats of section 89. Let us offer America's small business men, women, and workers something to celebrate this week as well.

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague and good friend from Florida, Mr. IRELAND, for requesting this time today to honor our Nation's small business owners who form the backbone of our Nation's economy.

The President and Congress have designated this week in May, Small Business Week, every year since 1964, and this year we honor the 19 million American small business owners by emphasizing the theme that "Small Business Is America's Future."

As part of this special week of recognition, the President and Congress welcome to our Nation's Capitol a Small Business Person of the Year from each of our 50 States. This year, I have the special opportunity to announce that Florida's Small Business Owner of the Year is Ron Sacino, a constituent from

St. Petersburg, FL, who is chief executive officer and vice president of Sacino's Formalwear.

From a family tailor shop established by his grandfather in 1916, Mr. Sacino has expanded his business to include 20 retail stores throughout the State of Florida and a wholesale division with operations in Georgia, Alabama, and Louisiana. Sacino & Sons is one of our Nation's leading formalwear companies with 141 employees and annual sales of \$4.6 million.

Mr. Sacino emphasizes pride in his work and his company and instills in his employees the importance of high quality service to his customers and hard work by his employees. In addition to his innovative approach to marketing, Ron has undertaken a number of initiatives to include his employees in the overall operation of his stores. These include a generous profit-sharing program, tuition reimbursement for students seeking additional education, and management meetings that afford all employees the opportunity to meet with the company's owners.

Mr. Sacino has not only contributed to the economy of our community, but also to a number of national and international community service programs. These include his efforts to raise money through the World Runners Program to prevent the starvation of children in other nations.

The selection of the State Small Business Persons of the Year is extremely competitive and is based on a number of criteria. These include an established history of success in the community, steady growth in the company's size and number of employees, creativeness and imagination in developing and managing the business, and a personal commitment by the small business owners to contribute to the community through public service projects.

Ron Sacino not only fulfills these criteria, but his company, Sacino & Sons, is an outstanding example of the role small businesses play in helping maintain a strong and stable U.S. economy and in developing new ideas that continue to keep our Nation at the forefront of commerce and business.

Mr. HATCHER. Mr. Speaker, I rise today during Small Business Week to discuss the Small Business Development Center [SBDC] Program, a vital support mechanism for small business in my State of Georgia and throughout the country. SBDC's draw from resources of local, State, and Federal government programs, the private sector, and university facilities to provide managerial and technical help, research studies and other types of specialized assistance of value to small business. These university-based centers provide individual counseling and practical training for small business owners. At the end of fiscal year 1988, there were 53 SBDC's in 46 States offering one-stop guidance and assistance to our Nation's entrepreneurs.

Since the Bush administration has followed the recommendation of President Reagan's last budget request and targeted the program for elimination, I feel it is appropriate to discuss the importance of this program to the small business community in America and to my constituents in particular.

During 1988, the national SBDC network counseled approximately 125,000 present and prospective small business owners. In addition, more than 275,000 businesses received training on a variety of management subjects.

The SBDC network in Georgia has existed for nearly 12 years. Through its statewide network of 5 regional and 5 district centers, 4 subcenters, and 55 satellite offices, the Georgia SBDC Program provides the Georgia small business community with information important to making sound business decisions. Its basic functions include counseling, continuing education, and the collection and dissemination of information. The Georgia SBDC works with 20 vocational-technical schools in its efforts to provide services in the most convenient locations for clients. In addition, the SBDC is involved with at least 50 chambers of commerce throughout the State. In 1988, the Georgia program became one of the first SBDC networks to be certified by the Association of Small Business Development Centers, a recognition of its preeminent position and leadership role.

The Georgia SBDC network has had several achievements during the past few years. In particular, the delivery of basic services, counseling and training has been upgraded and expanded, with an added interest in serving rural Georgia. This has been accomplished despite severe budget constraints.

The network offers one of the Nation's most effective service programs to the State's minority business community. One of the greatest accomplishments of Georgia SBDC's has been its contribution to the economic advancement of minorities and the disadvantaged in our State.

In the past 2 years, the export assistance program has been revitalized in an effort to increase the involvement of Georgia-based business in international trade. SBDC clients in Albany, GA, the largest city in my congressional district, have participated in a seminar program that addressed the implications of an integrated European common market for American small business.

During 1988, the Georgia SBDC served 978 clients in my congressional district located in southwest Georgia and served entrepreneurs in each of the 30 counties that I represent. Four hundred-six clients were served in Albany, and seminar programs were offered on other topics such as small business tax policies, computer programming, and advertising.

It is significant that over the years the national SBDC Program has drawn local and State financial contributions to the extent that Federal dollars now constitute only a minority share of the national network's support. This cost-effective program has proven itself time and time again. As I have described, these development centers provide technical assistance to struggling entrepreneurs across the country on items ranging from personnel management techniques to identifying overseas market opportunities.

I strongly believe that the SBDC Program, having helped to create thousands of new jobs and many new businesses, has reached a level of success that more than justifies its cost. This is one of the few Federal programs that addresses a broad range of small busi-

ness economic activity. Economists suggest that 80 percent of all new jobs are generated by companies of 100 employers or less. The SBDC network is a vital element in that employment creation process. I call upon my colleagues to support full funding for the SBDC Program during the coming fiscal year.

Mr. WALSH. Mr. Speaker, it is with pleasure that I today join my colleagues in paying tribute to America's small businessmen and women during this—"Small Business Week." This year's theme being, "Small Business is America's Future."

As a Nation we have experienced the longest running economic expansion in our history—an unprecedented 77 straight months of economic growth. I think it goes without saying that when the general economy does well, so does small business. They have shared in sales growth as a result of increased consumer spending. They have played a vital and direct role in our Nation's economic growth. During this time we have seen increased business formation, a drop in closure rates—both failures and bankruptcies, as well as a drop in our trade deficit, due in effect to aggressive marketing in foreign countries.

There is no standard size definition of a small business, although the Small Business Administration generally defines a small business as one having 500 employees or less. But one thing is clear, 52.2 percent of the individuals employed in this country work in the small business sector—and in my own State of New York 72 percent of all the jobs created are again in the small business sector. Based on these figures alone, I believe that we can see the importance of small business to our economy and to the people of this Nation.

It is imperative that we begin to create and foster an environment where those individuals who are willing to risk their money, their time, their futures, and who work hard for themselves—can be successful, as they create jobs, and lay a sound economic foundation for our Nation. If we have a better Nation today and hope for a better tomorrow for our children it will not only be because of economic progress, but because of the growth in opportunities.

If we are to be competitive, and serious players in the world economy, the small businessman and woman will be an important resource in this undertaking.

Mr. NEAL of Massachusetts. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to one of the most important segments of American society—the small business person.

The success of small businesses is borne of the same entrepreneurial spirit which has been the driving force behind the prosperity of the United States throughout its history. And just as small business is embedded in the roots of our Nation, I believe it will also be the determinant for our future economic accomplishments. We as legislators must strive to provide an economic atmosphere which encourages new businesses to develop, and existing small businesses to flourish.

I am especially proud to take part in this special order today because I am one of the 53 Members of this body who has a constitu-

ent in Washington this week representing his or her State as a Small Business Person of the Year.

Mr. Richard E.T. Brooks is chairman and chief executive officer of ChemDesign Corp. of Fitchburg, MA. Mr. Brooks founded ChemDesign in 1982 for the simplest of all reasons—he saw a need. He recognized a segment in the chemical industry that only a small business could accommodate, and he set out to create a company to fill that need.

ChemDesign provides chemicals for products ranging from pharmaceuticals to fax machines. The company's flexibility which results from its relative size and volume load, has allowed it to carve a niche for itself in a business area dominated by mass-producing, large companies.

Since beginning operations in 1983, ChemDesign's annual sales have climbed to \$40 million, and employment has soared to about 100 people in the Fitchburg plant alone.

I was at a ceremony last Friday at the ChemDesign plant in Fitchburg where officials from the city, State, and Federal Government paid tribute to Richard Brooks. He joked at that ceremony that two of the overriding reasons for opening his own business were to get his own parking space and to reduce the length of his commute to work. Those are fringe benefits which Richard Brooks has earned for himself. The real measure of his success, however, is in the investment he has made toward the betterment of the Fitchburg community.

Mr. Speaker, as a former mayor I have witnessed firsthand the growth that can take place within a community when small businesses are allowed and encouraged to thrive. Richard Brooks' efforts in Fitchburg are certainly a testament to that fact. As we recognize small business as an institution today as a part of Small Business Week, I think it is altogether fitting that we acknowledge those whose contributions to that institution are particularly outstanding.

Congratulations to Richard E.T. Brooks and to all the employees of the ChemDesign Corp.

Mr. SUNDQUIST. Mr. Speaker, I'm proud to join so many of my colleagues in saluting America's small businesses. I am myself a product of small business, and I like to think that I have brought to Congress a particular appreciation of the challenges and contributions small business entrepreneurship represents.

Small businesses are America's leading creators of jobs. They are our leading source of on-the-job training. They are the places where most Americans begin their working lives. They are the ventures most likely to offer ownership opportunities to women and minorities.

Taken together, the impact of America's small businesses is anything but small. Those firms with 500 or fewer employees account for more than one-third of our country's gross national product.

In fact, our small business GNP is higher than the gross national product of every other nation on Earth except the Soviet Union and Japan.

This week is Small Business Week. I urge my colleagues to make this more than a 1-week tribute. I hope we'll use this occasion to

focus on the importance of small businesses, and to commit ourselves to addressing the problems these companies face and will face in the future.

Before there are employees, there must be employers. Those in this Congress who want to start mandating what businesses must do in the way of wages and benefits—those who are quick to enact burdensome regulations and requirements, like section 89—you ought to keep in mind that, for many of these smaller companies, the line separating success from failure is a thin one.

We ought to be looking for ways to help smaller firms adapt to changes in the work force, to new technology, to the increased needs some of our workers will have for training.

Small businesses remain the most rapidly expanding sector of America's economy, the fastest and steadiest provider of new jobs, and the place where two out of every three American workers will begin their working lives.

I am proud to salute the men and women who make America's small businesses the marvels of entrepreneurship they are.

Mr. MFUME. Mr. Speaker, I rise in strong support of Small Business Week 1989, and wish to thank my distinguished colleague and fellow member of the Small Business Committee, Mr. IRELAND, for bringing this important week to the attention of our colleagues for special orders.

Small business men and women remain at the cutting edge in America's economy through the creation of jobs, community investment, and opportunities for many people who may not have been touched by our Nation's economic recovery. Small business entrepreneurs have worked arduously, often expending their own resources to achieve their enterprising goals. The small business community in America has overcome seemingly insurmountable odds to compete in the international business community with the major multinational conglomerates.

Mr. Speaker, I am very proud that our Nation's small businesses have been able to assert themselves as successfully as they have. During much of this decade, the Presidential administration was not always sensitive to the needs of the small business community. It is my hope that the present administration will go a few steps further than its predecessor by making a sustained and substantive commitment to the critical issues facing minorities, women, and other small business persons.

The small business community continues to expand its base within the economic fiber of our country and without their diligence in the face of adversity we would certainly be in a much graver economic predicament than we are now. Mr. Speaker, the small business persons in my district of Baltimore City readily assist both the State and local government with a wide variety of services and cooperation that many officials have come to accept as a necessary and crucial supplement.

In closing, I hope that each and every Member of the House of Representatives will take the time to honor our Nation's small businesses and follow up on the issues that affect this community.

Mr. CONTE. Mr. Speaker, upon the occasion of Small Business Week 1989, I rise to pay tribute to America's small businesses. This is the 25th year we have so honored small business and it can be truly said that America's 19 million small businesses are indeed America's future. Over the years, much has been said and printed about small business: how small businesses employ 55 percent of all workers, create 66 percent of all new jobs, provide 50 percent of all major innovations, and produce 40 percent of the gross national product. It has been said that American small business produces so many goods and services that it can claim to be the world's fourth greatest economic power. Indeed small business is indispensable to a healthy economy and full employment in this country.

I firmly believe that strong, sustained small business activity is the keystone to a healthy economy, which is why I serve with pride on the Small Business Committee. I first joined the committee in 1965. From 1969 to 1978, I was the ranking minority member during which the committee was upgraded from a select committee to a permanent select committee in 1971 to a standing committee in 1975. It has been my great honor to serve with and lead my distinguished colleagues on a committee rich with history and accomplishments.

Mr. Speaker, in reviewing the statistics for fiscal year 1987, I note that small business firms accounted for \$35 billion of the \$198 billion in all Federal purchases, or 18 percent of total procurement. Further, small business subcontractors won about \$26 billion in awards from prime contractors on Federal projects. The combined total of small business participation in Government contract awards is \$61 billion or 31 percent of the total value. Impressive as that figure is, I believe we need to renew our efforts to increase small business participation in Federal procurement. Two ways to accomplish that is to increase small business contracting opportunities and to increase competition in Federal procurement.

In the historic 100th Congress, I authored legislation intended to do just that. I introduced H.R. 3921, a bill to enhance the powers of the SBA's breakout procurement center representatives, which ultimately became section 110 of Public Law 100-590, the Small Business Administration Reauthorization and Amendment Act of 1988. BPCR's are advocates of competition in the procurement process. Their main function is to identify items being procured on a sole source basis and to "breakout" the item for competition. BPCR's also counsel and encourage small businesses to compete for the breakout. As a direct result of this legislation, small business will receive a greater portion of Government contracts and the enhanced small business competition will generate substantial cost savings to the taxpayers.

Mr. Speaker, I also co-authored H.R. 1807, the SBA section 8(a) reform bill, which ultimately became Public Law 100-656, the Business Opportunity Development Reform Act of 1988. This comprehensive reform bill introduced competition into a sole source contracts program that had heretofore only made minority firms permanent supplicants of Feder-

al largess. Now, at my initiative, minority firms will have to compete for contracts above a certain dollar threshold and the SBA is given the authority to compete for contracts below those thresholds on a discretionary basis, which I hope is all the time. While the number of contracts above the threshold is not great, the dollar amount is considerable, averaging about 35 percent. As firms grow larger, competition will increase so that in the future competitive contracts both above and below the thresholds should account for 50 percent or more of all 8(a) contract dollars. Only through sheltered competition will minority firms become competitive in the marketplace.

In order to continue the drive for increased opportunity and competition I will introduce two bills this week: the Small Business Protection Act and the Women's Business Equity Act. The Small Business Protection Act will amend the Small Business Act to provide for a small business impact statement whenever an agency proposes to combine several small contracts into one large multifunction contract. This practice of contract aggregation, also known as consolidation, bundling, or umbrella contracts is inimical to small business participation in Federal contracting in that it effectively eliminates small business as prime contractors. The GAO has done several reports on the adverse impact of this practice on small business and last year, Congress adopted language in the Fiscal Year 1988 Military Appropriations Act expressing concern over the problem. Small business needs the opportunity to compete for all types of Federal contracts, particularly prime contracts. Just as we now have environmental impact statements on Government-funded projects—so shall we have a small business impact statement on any contract action designed to avoid small business set-asides—if my bill is adopted. The Women's Business Equity Act is a three-point approach to promoting, encouraging, and safeguarding women's business enterprises. It amends the Small Business Act to create a preemptive and uniform certification process to be used by all Federal agencies in identifying women-owned businesses for contracting opportunities. It enhances Federal procurement opportunities for women-owned businesses through goal setting, and subcontracting requirements. It would further direct all agencies to include at least one bid from a women-owned small business for all small purchase orders under \$25,000. Finally, my bill would make permanent the Office of Women Business Enterprises in the SBA with appropriate staffing and functions. Women now own about 30 percent of all American businesses. Increasingly, more and more women are finding that small business self-employment is the major pathway to full economic participation in our free enterprise system. We must eliminate now any barriers denying women the opportunity to compete on an equal basis for Federal contracting opportunities.

Mr. Speaker, in the President's annual report on the State of Small Business is a table illustrating "Procurement Dollars and Actions by Size of Action, Fiscal Year 1987." More than 98 percent of all contract actions in fiscal year 1987 were for purchases less than \$25,000 and small business won 46 percent

of the dollar volume. In contract actions above \$25,000, small business garnered only 15 percent of the dollar volume. Those actions under \$25,000 accounted for less than 10 percent of the dollar volume for fiscal year 1987 with 91 percent of the dollar volume transacted over \$25,000. In other words, the 2 percent of contract actions over \$25,000 is where the money is and where the next battlefield will be for small business. It is my belief that small business is the ultimate competitor and that our goal, as small business champions, is to ensure that small business participation in Federal procurement achieves parity with their contribution to the gross national product, which is now 40 percent. That parity or 9-percent increase should come from prime contracting actions. I believe that the two bills I am introducing this week is a step in that direction. Opportunity and competition will ensure increased Federal procurement participation for small business today and in the future.

One final note, Mr. Speaker. Since the first of this year, I have been fighting for small business on several other important fronts. I have strongly advocated for the repeal of Internal Revenue Code section 89 which I believe is fundamentally flawed, both in its underlying assumptions of discrimination in the marketplace and in its legislative mandate which is clearly unworkable. This repeal legislation now has over 300 cosponsors. In addition, my good friend, DAN ROSTENKOWSKI, has just introduced legislation that would greatly simplify section 89 and has already held a hearing on it. I think the message to American employers is clear—section 89, as we now know it, is not long for this world. I am also sponsoring legislation that would allow unincorporated business owners to deduct the full amount of their health insurance costs. This bill would end the unfair tax treatment of health premium costs between incorporated and unincorporated businesses and would, if adopted, replace the 25-percent deduction due to expire at year's end. I am also pushing with my good friend and esteemed colleague, ANDY IRELAND, to include the Internal Revenue Service under the Regulatory Flexibility Act, to raise the status of the Administrator of the Small Business Administration to Cabinet level and for permanent authorization of the White House Conference on Small Business. Finally, I am examining the issue of rural small business development and the problem of the estate tax on the family-held business or farm. It is clear that the needs of small business are never ending. But their potential is unlimited. They are indeed America's future and those of us fortunate enough to serve on the Small Business Committee must be their protector and advocate. Small business is the ultimate competitor in the ultimate economic system and it will confidentially power America into the 21st century if it is not burdened with unproductive regulations and is given the opportunity to do what it does best—compete. Today's legislative victories will be the foundation for insuring tomorrow's small business success. I urge all my colleagues to catch the spirit of small business and make the 101st Congress the Small Business Congress.

Mr. MAZZOLI. Mr. Speaker, it is a privilege to have this opportunity during Small Business Week to commend our Nation's small businessmen and women.

As a member of the House Small Business Committee, I have worked with America's entrepreneurs as well as with my colleagues and public officials to help small businesses get started and to succeed.

I have seen, first hand, the men and women who have taken the risks and who have persevered to nurture their ideas and dreams into prosperous businesses. And, the sight is beautiful.

Currently, the 19 million small businesses operating in the United States employ 6 out of every 10 people and provide Americans with goods and services which otherwise would not be available or, at least, not affordable.

Appropriately, then, the theme this week is: Small Business is America's Future.

Small businesses are able to keep pace with everchanging consumer demands and the rapid changes in our country's economic and technological needs because of their ability to be flexible yet be focused. They can capitalize on a trend much more swiftly than their Fortune 500 competitors, and they can turn away to a new phase without all the bureaucracy and red tape which can, at times, virtually paralyze larger companies.

While successful in the domestic arena, small businesses are now turning their energies increasingly toward foreign and overseas markets. Some small businesses—acting with this foresight—have already penetrated these markets, and this expansion has made a noticeable, positive impact on our trade deficit. With the United States-Canada Free-Trade Agreement, and in anticipation of a unified European market in 1992, there are many more opportunities and markets awaiting small businessmen and women if they get the help and support they need from the Federal Government.

I find this an exciting time for small business. It is the backbone of our Nation's economy. It is the future for U.S. economic growth, and it is the provider of all the employment, technology, and the goods and services which result from this growth.

However, this tribute to small businesses would not be complete without taking a moment to recognize the U.S. Small Business Administration [SBA] and the services it provides to the small businesses of America. The SBA was created in 1953 to assist America's small businesses, and as we can see from the statistics and examples we've heard today, it has been successful in its mission.

One of the many facets of the SBA is the Service Corps of Retired Executives [SCORE]. The corps is made up of retired executives who volunteer their time to counsel men and women who wish to start their own businesses. I was pleased to kick off Small Business Week at a breakfast Monday morning, sponsored by SCORE.

I was particularly proud to attend because the SCORE chapter in my congressional district of Louisville and Jefferson County, KY, was selected as the SCORE Chapter of the Year. Particular thanks go to Mr. and Mrs. Ben Crume and Henry Feingold who were in at-

tendance to accept this award. Their devotion, time and commitment—and that of the other SCORE volunteers in Louisville—have helped many men and women start successful businesses in our area, and they are truly deserving of this award.

Mr. HANSEN. Mr. Speaker, it is U.S. Small Business Week and I believe it is fitting the contributions of small business be recognized and applauded. Small businesses are the driving force of the U.S. economy. The economic vitality and growth of this Nation is tied more directly to small businesses than any other sector. Their number has grown from 13.6 million in 1981 to 19.8 million thus far in 1989. Historically, these enterprises have prospered because the policies of the United States have fostered innovation, flexibility, and the opportunity to compete.

Americans love competition. Presently many Americans are caught in the fervor of the NBA playoffs. The excellence of the players and coaches of both sides peaks as the best teams give all they have in hopes of winning the championship. The excitement generated from a fair, hard-fought contest is intense; whether it be an athletic event, an auction, or a business deal.

It is within this competitive atmosphere that small businesses have flourished in the U.S. economy. Competition produces a continually better product, person, or skill. This country is made up of individuals who will take risks, grab opportunities, and compete. As a result, 1 million new businesses are started each year. This pioneering spirit and relentless drive creates two out of every three new jobs in the United States. This trend must not be discouraged nor denied for small business has outpaced and outproduced the more traditional spheres of financial communities.

I am gravely concerned about the increasing tendency for Members of this body to fasten ties that bind the hands of small business owners all over this country. President Reagan stated: "Small business progress * * * whether in terms of new business starts, creation of new jobs, efficient sales to the Government, or new innovations, cannot be sustained without continued, favorable Federal policies toward small business." We must work to develop such policies.

Many have lauded the critical role that small businesses have played in employment growth and America's prosperity. Yet often, these same people support legislation that is the equivalent of tying together the shoelaces of Michael Jordan, one of America's finest athletes, and telling him to compete.

It is imperative for us to closely examine any initiatives which require small businesses to pay for social programs even the Government can't afford to implement. Mandating expensive social programs by small, emerging companies is hardly the way to build American competitiveness. Our economy is constantly changing, and businesses need the flexibility to adapt. There is already an onset of a labor shortage which will hit small businesses the hardest. Therefore, they must be responsive to the demands of the labor force and tailor to the needs of individual employees. The role of government is to create incentives for employers to offer benefits, not dictate those benefits.

The spirit of competition in this country has placed America in a position where other countries strive to be. Foreign lands are emulating this system which has brought unequaled economic success to the United States. Yet, at the same time, the tendency of Congress is to implement more and more burdensome laws and regulations. Mr. Speaker, if small business is America's future, we must provide a favorable climate for this vital sector of our economy.

Mr. MAVROULES. Mr. Speaker, this is U.S. Small Business Week.

The theme of this year's Small Business Week is "Small Business is America's Future." As you are aware, most new jobs are created by small businesses. With society's rapid changes and the global market competition which U.S. businesses face, it is becoming increasingly difficult for small businesses to remain viable. They also have the greatest local economic impact in our communities. Thus, it is imperative that our national policy preserve and encourage the growth and development of this segment of our business community.

Mr. Speaker, I would like to take this opportunity to recognize some distinguished small businesses that are being recognized in my District, Sixth District of Massachusetts, this week by the Cape Ann Chamber of Commerce in Gloucester, MA. They have all been involved not only in the activities of their businesses but have actively involved themselves in projects and programs to benefit their communities as well. However, these persons have prevailed, and very successfully, over the years. Each has set a fine example of excellence in public service and economic development.

First there is Mr. Benjamin and Mrs. Marlene Greenbaum, owners of Benjamin's card, gift, and office supplies shop. They have been very actively involved in various downtown committee projects including those overseeing the revitalization of the mainstreet area of Gloucester, MA.

Second, Ms. Ann Fisk, director of the Rockport Art Association is being recognized for her dedication to displaying art and promoting the work of local artists. She is a former selectman and active in many chamber of commerce and town committees in the Town of Rockport, MA.

Then we have Ms. Sue Noble of S.E. Noble Real Estate in Manchester, MA. Ms. Noble is currently a selectwoman in Manchester, serves on the board of selectmen, is involved with affordable housing projects, the Council on Aging, and works with basically a variety of community type projects.

Finally, I wish to note that Mr. Harold Addison of Harold Addison Photography in Essex, MA is being acknowledged during this Small Business Week. He is a former member of the board of selectmen, is involved with the Lion's Club, various chamber of commerce projects, and a variety of youth programs in the town of Essex.

These are just a few of the examples of the contributions that small businesses are making to the economic and social health of our communities.

GENERAL LEAVE

Mr. IRELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. McCloskey). Is there objection to the request of the gentleman from Florida?

There was no objection.

THE FSX AIRPLANE DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise tonight to talk about the issue of the FSX airplane deal that the Bush administration has offered to the Congress and has asked us to approve. I appreciate very much this opportunity tonight to speak about this important issue because I think it goes way beyond the simple sale of an airplane or the simple coproduction or redevelopment of an airplane.

Mr. Speaker, this is an issue that impacts greatly on America's future economic and national security. I think this deal worries Members on both sides of the aisle as much as it frightens the American public, and I would like to say very briefly tonight why I think the deal should not go through.

First, I want to talk about trade. The United States now has a cumulative trade deficit between the years 1970 and 1989 of about \$1 trillion.

□ 1930

That means that we have bought a trillion dollars' worth more of goods than we have sold to other countries. About a third of that debt is owed to Japan, to investors, to businesses, to people in Japan.

What I cannot understand or reconcile is why 3 years ago when the Japanese said they wanted to build an FSX airplane, a new airplane, we did not simply ask them to buy our F-16.

I think the question we have got to start asking about our debt with Japan is what are we going to sell Japan in the next few years to run a trillion dollar surplus? We cannot sell them F-16's. What are we going to sell them? How are we going to get this surplus down so that we can get back to equilibrium?

I simply suggest that for trade purposes, if for no other purpose, we should be asking Japan, should have been asking them 3 years ago, should be asking them now, to buy F-16's off the shelf.

The Japanese themselves have been saying they need to buy our products where they are the best products in order to bring the trade deficit down.

In 1987, the Mikawa report, which was issued by their own Government, encouraged Japan's private sector to purchase products from countries where they have products which have a comparative advantage. We have a comparative advantage with the FSX.

I find it ironic that the very officials who have been writing these reports to their own private sector do not see fit to take that advice themselves when it comes to Government purchases of American products.

So for the trade issue alone, they should buy the F-16 off the shelf.

The second issue, which is probably the more important, is what we are giving the Japanese in terms of the aerospace industry? I think the specific question we have got to ask and answer is whether or not the selling of this technology to the Japanese will shorten the time in which they can achieve equity with us in the aerospace industry. In other words, will we hasten the day 5 or 10 years from now that Japan will have its own McDonnell Douglas or its own General Dynamics?

My conclusion from reviewing the evidence of this deal is that we will be giving them important technology in terms of integrating all the technological systems that go into a modern aircraft, that will hasten the day that they will have their version of our Boeing or our General Dynamics or our Lockheed.

For that reason, I do not think this deal makes sense. We are in a tough worldwide competition. We have lost a great market share and a lot of emerging technologies, semiconductors, computers, HDTV, and supercomputers. We could go down the list.

The question we have to ask is, Do we want to give up another one? Do we want to shorten the time in which they can be competitive? I do not think we do and I think the FSX is wrong for that reason as well.

The third issue that always comes up is whether or not if we do not go along with the Japanese on this deal, they will go to the Europeans or they will develop their own fighter on their own. People say they will. Therefore, we ought to make the deal with them to keep them in cooperation with us, because they will go do it on their own.

My answer to that issue is that I would rather have them go it alone or go it with the Europeans, because again it will take them that much longer to develop this airline airplane technology than if they do it with us.

The research that goes into this technology is worth about \$7 billion to American taxpayers and the American industry. For the life of me I cannot understand why we would want to give up that \$7 billion of technology in return for a simple coproduction arrangement.

I think the final point that I would like to make is that this whole FSX arrangement really brings up I think the whole question of the way we have structured our relationship with Japan and other countries through the years. The other day I was talking with some of our Defense Department people about the FSX deal and I asked the question, "If this were just a trade matter, had nothing to do with defense and national security, would it be a good deal for the United States?"

And the answer was that this was not a trade matter, it is simply a defense and security issue.

I think that really and truly is the way that our Defense officials have looked at these questions.

I had a briefing today with the General Accounting Office. I asked them what was the reason that our Defense Department wanted to do this deal. Their answer was that it had nothing to do with trade. It was simply for defense and security and it was designed to keep Japan on our side.

Those kinds of reasons may have been good in 1949 or 1959 or even 1969, maybe even 1979. It is not good enough in 1989. The world has changed and we have changed. We are no longer dominant in the world marketplace. We can no longer simply say that it is good for defense and security, but it is not so good for trade and economics. Trade and economics have to be equal in consideration with defense and security matters.

So I would urge the Members of the House as we consider this deal, as we come to vote on it in the next few days, that we will look at it through the eyes and the eyeglasses and viewpoint and the prism of trade and economics, as well as defense and security. I think if Members will do that, they will decide as I have that this deal is not good for the interests of the United States.

I would further say it is not good for the interests of Japan as well.

I hope that Members will join with me and many others who oppose this deal in seeing that it is defeated so that our airline aerospace industry will be able to continue its dominant role in the days ahead.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SCHUMER] is recognized for 60 minutes.

[Mr. SCHUMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 10 minutes.

Mr. BROWN of California. Mr. Speaker, along with 17 cosponsors from the Committee on Science, Space, and Technology, I am today introducing a bill called Science, Engineering, and Mathematics Educator Award Act. This legislation would help increase the science literacy of our citizens by enhancing the quality of undergraduate science and engineering education at our colleges and universities.

As my colleagues in this Chamber well know, our Nation faces a crisis in education generally and science education in particular. Numerous studies and a variety of declining test scores demonstrate the stark reality of this crisis: We are rapidly becoming a nation of science illiterates.

Science illiteracy poses a clear danger to our country, for our competitiveness as a nation is intimately linked to our pursuit of science and technology. For many years this pursuit has flourished, in large measure, because of support for basic research in our colleges and universities by the Federal Government. That research effort has produced a wealth of new knowledge and a variety of technological benefits for society.

While I do not mean to disparage those benefits, society has paid a high price for them. It is clear that the financial and prestige rewards of research have become the major driving incentives for the careers of many academic scientists and engineers. This has led to a devaluation of teaching, especially for undergraduate science students.

This conclusion has been reached by many observers. For example, the National Science Board studied the impact, on undergraduate science education, of Federal support for academic research which expanded during and after World War II. A major conclusion of the report is:

Faculty members in those areas to which research money was easily available became, in time, less citizens of their academic campuses and more citizens of their disciplinary communities. Their priorities shifted from the task of imparting knowledge to the young to the creation of new knowledge—not simply to maintain their skills as profes-

sionals by exercise of that important faculty, but as an end in itself. A revision of the professional value system followed inevitably.

In his recent testimony before the Science, Space, and Technology Committee, my good friend, Rustom Roy, professor of materials sciences at Pennsylvania State University, observed that research funding at American universities has "radically degraded all aspects of education, including science education of the majority of the population, including the Nation's lawyers, business, and political leaders."

The consequences of this shift in priorities harm our country for two reasons. First, our next generation of scientists and engineers comes from this pool of undergraduate science students. If we do not provide quality science education at the undergraduate level, we will potentially reduce the number of scientists and engineers required to continue the research effort essential for the future competitiveness of our country. Second, because so much of our national culture is grounded in science and technology, it is crucial that all our citizens receive a quality education in science. Much of that education occurs at the undergraduate level. If we are to have an educated citizenry, we must have educators interested in and committed to quality undergraduate science education.

The magnitude of this problem is immense, and the Science, Engineering, and Mathematics Educator Award Act would provide but one small step toward addressing the imbalance between research and undergraduate education priorities in our universities. The legislation would encourage faculty members to make a commitment to teaching equivalent to their commitment to research. It would do this by providing awards to approximately 100 faculty members who wish to break from their present routines of intensive research and grant writing and focus instead on teaching and curriculum development. These awards would help increase the prestige associated with science and engineering teaching at the undergraduate level in the following ways. The financial support accompanying these awards would enable faculty members to explore and develop new courses and curricula for undergraduate education. The awards would also provide support for the intellectual and professional growth of the recipient. Finally, the awards would provide funds to the academic institution to support these activities of the faculty member.

Mr. Speaker, it is not sufficient for us to encourage new students to pursue careers in science unless we have teachers willing and interested in instructing these students. If we desire a population with the literacy necessary to function in our modern technically based culture, it is vital that we have educators with the skills and enthusiasms necessary to teach those people. Excellent undergraduate science education is essential for the continued economic and cultural growth of our Nation. It is imperative that we do everything possible to foster and enhance the quality of that education. I urge my colleagues to cosponsor this important legislation which would provide additional stature for scientists, engineers, and mathematicians who want to concentrate on

helping improve the science literacy of American citizens.

Mr. Speaker, in closing, I would like to briefly summarize the salient features of this bill:

SECTION 2. PURPOSES

The purposes of this bill are to increase the level of scientific literacy in our Nation by enhancing the quality and prestige of undergraduate science teaching. The bill seeks to recognize individuals who can strengthen science education within their institution, in the region, or the Nation, as well as encourage faculty members to devote a portion of their careers to improving the quality of undergraduate science education.

SECTION 4. ESTABLISHMENT OF PROGRAM

This bill calls upon the Director of the National Science Foundation to establish a Science, Engineering, and Mathematics Educator Award Program. Awards made under this program shall be made on the basis of nominations submitted by academic institutions on behalf of science faculty members who commit a significant part of their careers to undergraduate science education. Each award will provide funds for curriculum development, scholarly activity to enhance professional growth, salary support, travel, and university indirect costs.

SECTION 5. SELECTION CRITERIA

Recipients of these awards would be selected based on a merit review process. This process would consider this potential and intent of the nominee to contribute significantly to undergraduate science education and the potential and intent of the nominee to continue his or her professional growth through research or other scholarly activity. While most of these awards will be made in the traditional scientific disciplines, it is the intent of this legislation to encourage proposals that focus on providing science education for those individuals who choose not to become professional scientists, proposals that provide science education for individuals who have traditionally been underrepresented in science, interdisciplinary projects that combine science and the humanities, projects that combine the resources of several institutions, and projects that utilize the resources of industry.

SECTION 6. CURRICULUM DEVELOPMENT

Recipients of these awards are encouraged to develop curricular materials that reach beyond their local institution to have a broad impact on science education in the region and the Nation.

SECTION 7. AUTHORIZATION OF APPROPRIATIONS

This bill calls for an appropriation of \$10 million for fiscal year 1990. It is my intent that this will provide for approximately 100 awards.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. FOLEY), until 2 p.m. today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special

orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. PAYNE of New Jersey, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes, today.
Mr. SCHUMER, for 60 minutes, on May 11.

Mr. GAYDOS, for 60 minutes, on May 16.

(The following Members (at the request of Mr. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mr. McEWEN, for 5 minutes, today.
Mr. MICHEL, for 5 minutes, today.
Mr. MACHTLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MACHTLEY) and to include extraneous matter:)

Mr. SMITH of New Hampshire.
Mrs. VUCANOVICH.
Mrs. SAIKI.
Mr. PORTER.
Mr. WEBER.
Mr. BROOMFIELD.
Mr. McCANDLESS.
Mr. GILMAN.
Mr. ROWLAND of Connecticut.
Mrs. MORELLA.
Mr. BILIRAKIS.
Mr. BLILEY.
Ms. SCHNEIDER.
Mr. DAVIS.
Mr. CONTE in four instances.
Mr. FIELDS.
Mr. HEFLEY.
Mr. CLINGER.
Mr. WOLF.
Mr. HILER.
Mr. SENSENBRENNER.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. MATSUI in three instances.
Mr. BERMAN.
Mr. COELHO.
Mr. ECKART.
Mr. RAY.
Mr. CARDIN.
Mr. LEHMAN of Florida.
Mr. ROWLAND of Georgia.
Mr. ROYBAL.
Mr. PEPPER.
Mr. BONIOR.
Mr. McHUGH.
Mr. ROE.
Mrs. BOXER.
Mr. MILLER of California.
Mr. PEASE.
Mr. COLEMAN of Texas.
Mr. KANJORSKI.
Mr. SHARP in three instances.
Mr. FROST in two instances.

Mr. MFUME.
 Mr. LEHMAN of California in two instances.
 Mr. SKELTON.
 Mr. GRAY.
 Mr. HOYER.
 Mr. EDWARDS of California.
 Mr. STARK.
 Mr. FRANK.
 Mr. GEJDENSON.
 Mr. WOLPE.
 Mr. WYDEN.
 Mr. KOLTER.
 Mr. TORRES.
 Mr. ENGEL.
 Mr. WEISS.
 Mr. STOKES in two instances.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1385. An act to make permanent the Martin Luther King, Jr., Federal Holiday Commission.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p.m., the House adjourned until tomorrow, Wednesday, May 10, 1989, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1136. A letter from the Secretary of Agriculture, transmitting to amend section 353 of the Consolidated Farm and Rural Development Act to limit delinquent farmer program borrowers to one write-down of loan principal and interest and to prevent fraud and abuse by extending to borrowers who do not qualify for loan restructuring the 10 year recapture provision applicable to borrowers who do qualify; to the Committee on Agriculture.

1137. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 533(b) of the Housing Act of 1949 to require that housing preservation grant funds be matched dollar-for-dollar by State, local, or other non-Federal funds; to the Committee on Banking, Finance and Urban Affairs.

1138. A letter from the Secretary of Education, transmitting a copy of final regulation—Magnet Schools Assistance Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1139. A letter from the Secretary of Education, transmitting a copy of notice of final funding priorities under the National Institute on Disability and Rehabilitation Research for research and demonstration, rehabilitation engineering centers, and research and demonstration knowledge dissemination, and utilization, pursuant to 20

U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1140. A letter from the Secretary of Education, transmitting a copy of Indian education—formula grants—local educational agencies, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1141. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1989, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

1142. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of transmittal No. 17-89 which concerns the Department of the Army's proposed lease of defense articles to Canada, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1143. A letter from the Chairman, National Labor Relations Board, transmitting the Board's annual report of its compliance with the Government in the Sunshine Act during calendar year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1144. A letter from the Executive Director, Administration and Human Resources, Federal Home Loan Bank Board, transmitting the Board's annual report of its activities under the Freedom of Information Act, calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1145. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report of the Federal Open Market Committee covering its activities under the Freedom of Information Act, calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1146. A letter from the Secretary of Education, transmitting the Department's annual report of its activities under the Freedom of Information Act, calendar year 1988, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1147. A letter from the Chairman, Federal Election Commission, transmitting the second biennial report detailing the progress made on the accessibility of polling places to the elderly and handicapped population in the 1988 general elections, pursuant to 42 U.S.C. 1973ee-1(c)(2); to the Committee on House Administration.

1148. A letter from the Acting Assistant Secretary for Importation Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign Trade Zones Board for fiscal year 1986, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

1149. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to provide for funding of the wildfire protection, wildfire suppression, and emergency burn rehabilitation activities of the Department of the Interior and the Department of Agriculture, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAMILTON: Joint Economic Committee. Report of the Joint Economic Committee on the 1989 Economic Report of the President. (Rept. 101-48). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK:

H.R. 2267. A bill to amend section 207 of title 18, United States Code, relating to restrictions on post-employment activities; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 2268. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. DOWNEY, Mr. DONNELLY, Mr. McGRATH, Mr. SHARP, Mr. COELHO, Mr. BOEHLERT, Mr. LELAND, Ms. PELOSI, Mr. SIKORSKI, Mr. SLATTERY, Mrs. COLLINS, Mr. LAGOMARSINO, Mr. RICHARDSON, Mr. SHUMWAY, Mr. ERDREICH, Mr. MRAZEK, Mr. WILSON, Mr. ATKINS, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. BUSTAMANTE, Mr. FROST, Mr. LAUGHLIN, Mr. HOCHBRUECKNER, Mr. COLEMAN of Missouri, Mr. NEAL of North Carolina, Mr. CHAPMAN, Mr. TOWNS, Mr. GILMAN, Mr. BRYANT, Mr. FISH, Mr. ROWLAND of Georgia, Mr. LEATH of Texas, Mrs. LOWEY of New York, Mr. KENNEDY, Mr. COLEMAN of Texas, and Mr. PARKER):

H.R. 2269. A bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for vehicles fueled by clean-burning substances, for converting vehicles to be so fueled, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. ROE, Mrs. LLOYD, Mr. VOLKMER, Mr. WOLPE, Mr. MINETA, Mr. VALENTINE, Mr. SHAYS, Mr. TORRICELLI, Mr. BOUCHER, Mr. BRUCE, Mr. TRAFICANT, Mr. NOWAK, Mr. PERKINS, Mr. McMILLEN of Maryland, Mr. PRICE, Mr. NAGLE, and Mr. SKAGGS):

H.R. 2270. A bill to establish a Science, Engineering, and Mathematics Educator Award to be administered by the National Science Foundation; to the Committee on Science, Space, and Technology.

By Mr. BRUCE:

H.R. 2271. A bill to amend the Internal Revenue Code of 1986 to provide that individuals who separated from service on account of early retirement before the date of the enactment of the Tax Reform Act of 1986 will be exempt from the additional tax on early distributions from qualified retirement plans; to the Committee on Ways and Means.

By Mrs. BYRON (for herself and Mr. HUNTER):

H.R. 2272. A bill to withdraw certain Federal lands in the State of California for military purposes, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. COELHO (for himself, Mr. FISH, Mr. HAWKINS, Mr. CONTE, Mr. OWENS of New York, Mr. ACKERMAN, Mr. ATKINS, Mr. BEILENSEN, Mr. BENNETT, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. CAMPBELL of California, Mr. CARDIN, Mr. CLAY, Mr. CROCKETT, Mr. DE LUGO, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. FROST, Mr. FUSTER, Mr. GEJDENSON, Mr. GORDON, Mr. HAYES of Illinois, Mr. HOYER, Mr. HUTTO, Mr. JACOBS, Mr. JONTZ, Mr. KASTENMEIER, Mr. KLECZKA, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MATSUI, Mr. McCLOSKEY, Mr. McDERMOTT, Mr. McHUGH, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MORELLA, Mr. OBERSTAR, Mr. PALLONE, Ms. PELOSI, Mr. RICHARDSON, Mr. ROWLAND of Connecticut, Ms. SCHNEIDER, Mr. SHAYS, Mr. SMITH of Vermont, Mr. SOLARZ, Mr. STUDDS, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WISE, Mr. WOLPE, Mr. FLORIO, Mr. WILLIAMS, Mr. ROYBAL, Mr. MORRISON of Connecticut, Mr. BROWN of California, Mr. DELLUMS, Mr. SABO, Mr. ESPY, Mr. DIXON, Mr. MILLER of Washington, Mr. YOUNG of Alaska, Mr. FOGLIETTA, Mr. RANGEL, Mr. GARCIA, Mrs. SAIKI, Mr. MARTINEZ, Mr. MAVROULES, Mr. CONYERS, Mr. MARKEY, Mr. VISCLOSKY, Mr. KILDEE, and Mrs. COLLINS):

H.R. 2273. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability; jointly, to the Committees on Education and Labor, Energy and Commerce, Public Works and Transportation, and the Judiciary.

By Mr. CONTE (for himself, Mr. SKELTON, and Mr. IRELAND):

H.R. 2274. A bill to amend the Small Business Act to provide for a small business impact statement whenever a proposed procurement would exceed economical ordering and qualities conducive to small business participation; to the Committee on Small Business.

By Mr. DONNELLY:

H.R. 2275. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of amounts received by tax-exempt organizations from sales, rentals, or other dispositions of lists of members, customers, or contributors; to the Committee on Ways and Means.

H.R. 2276. A bill to amend part B of title XVIII of the Social Security Act with respect to coverage of, and payment for, seat-lift chairs, and to prohibit suppliers of durable medical equipment from distributing forms for statements of medical necessity; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DORNAN of California:

H.R. 2277. A bill to amend title 10, United States Code, to prohibit courts from ordering a member of the Armed Forces to pay amounts to a spouse or former spouse corresponding to retired or retainer pay before the member first becomes entitled to receive retired or retainer pay; to the Committee on Armed Forces.

By Mr. ECKART (for himself and Mr. MILLER of California):

H.R. 2278. A bill to provide for the establishment of a uranium enrichment corporation, and for other purposes; jointly, to the Committees on Interior and Insular Affairs,

Energy and Commerce, and Science, Space, and Technology.

By Mr. FORD of Tennessee:

H.R. 2279. A bill to amend the Internal Revenue Code of 1986 to provide notice to any taxpayer of amounts withheld in excess of such amounts reported on a tax return by such taxpayer; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 2280. A bill to amend the Internal Revenue Code of 1986 to provide a \$600 income tax credit to individuals who are volunteer firefighters; to the Committee on Ways and Means.

By Mr. HAYES of Illinois (for himself, Mr. HAWKINS, and Mr. GOODLING):

H.R. 2281. A bill to amend the Elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs; to the Committee on Education and Labor.

By Mr. HOCHBRUECKNER:

H.R. 2282. A bill to allow the obsolete destroyer U.S.S. *Edson* (DD 946) to be transferred to the Intrepid Sea-Air Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

By Mr. IRELAND (for himself and Mr. CONTE):

H.R. 2283. A bill to provide permanent authorization for a National White House Conference on Small Business, and for other purposes; to the Committee on Small Business.

By Mrs. JOHNSON of Connecticut:

H.R. 2284. A bill to amend the Solid Waste Disposal Act to provide for the safe management of municipal incinerator ash; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 2285. A bill relating to the period during which certain retail dealer occupational taxes may be assessed; to the Committee on Ways and Means.

By Mr. KASICH (for himself, Mr. GLICKMAN, and Mr. McCLOSKEY):

H.R. 2286. A bill to require the Secretary of a military department that prepares a confidential investigation report for an accident involving an aircraft under the jurisdiction of the department to make such report available to the chairman and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives; to the Committee on Armed Service.

By Mr. LEVINE of California (for himself and Mr. RITTER):

H.R. 2287. A bill to provide for the establishment of an industry-led consortium for research, development, and manufacturing activities in the field of advanced television systems, and for other purposes; jointly, to the Committees on Science, Space, and Technology and the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 2288. A bill to establish a grant program for local rape prevention and control projects; to the Committee on the Judiciary.

By Mr. MOODY:

H.R. 2289. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on gasoline by 9 cents per gallon, and to provide that the increase in revenues be used to reduce Federal budget deficits; to the Committee on Ways and Means.

By Mr. REGULA (for himself and Mr. PEPPER):

H.R. 2290. A bill to amend the Public Health Service Act to provide for the establishment of a national program for tropical

medicine and infectious disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SAXTON (for himself, Mr. PACKARD, Ms. SCHNEIDER, Mr. GOSS, Mr. HUNTER, Mr. PAXON, Mrs. SAIKI, Mrs. JOHNSON of Connecticut, Mr. McCRERY, Mr. GALLO, Mr. GINGRICH, Mr. GRANT, Mr. BARTON of Texas, and Mr. GUNDERSON):

H.R. 2291. A bill to amend the Federal Water Pollution Control Act to provide for effective and efficient response to discharges of oil and hazardous substances, to provide for funding of such response by private industry, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. SISISKY (for himself and Mr. IRELAND):

H.R. 2292. A bill to authorize judicial review of actions under chapter 6 of title 5, United States Code, relating to small businesses and required regulatory flexibility analyses; jointly, to the Committees on the Judiciary and Ways and Means.

H.R. 2293. A bill to make interpretative rules affecting small businesses under the Internal Revenue Code of 1986 subject to regulatory flexibility analyses; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. STENHOLM (for himself and Mr. ROBERTS):

H.R. 2294. A bill directing the Secretary of Agriculture to provide an adjustment to permit flexibility in crop acreage bases; to the Committee on Agriculture.

By Mrs. VUCANOVICH (for herself and Mr. BILBRAY):

H.R. 2295. A bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and death, and for other purposes; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. WOLF:

H.R. 2296. A bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the courts of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt; to the Committee on the District of Columbia.

By Mr. WYDEN:

H.R. 2297. A bill to amend the Housing and Community Development Act of 1987 to expand the eligibility criteria for areas for designation as enterprise zones; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KANJORSKI:

H.J. Res. 262. Joint resolution to designate September 14, 1989, as "National School Safety Patrol Day;" to the Committee on Post Office and Civil Service.

By Ms. SCHNEIDER (for herself, Mr. BROWN of California, Mr. CONYERS, Mr. FAUNTROY, Mr. BERMAN, and Mr. ATKINS):

H.J. Res. 263. Joint resolution requiring that United States foreign development assistance encourage access to sustainable means of transportation in developing countries that help meet basic human needs, protect the global environment, and provide affordable, low-cost mobility, and for other purposes; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. ANNUNZIO:

H. Con. Res. 112. Concurrent resolution to authorize printing of a collection of the Inaugural Addresses of the Presidents of the United States; to the Committee on House Administration.

By Mr. WOLF (for himself, Mr. SOLARZ, Mr. LEACH of Iowa, Mr. LANTOS, Mr. PORTER, Mr. HUNTER, Mr. FAUNTROY, Mr. MONTGOMERY, Mr. PENNY, Mr. BUECHNER, Mr. HORTON, Mr. FRANK, Mr. HENRY, Mrs. COLLINS, Mr. OWENS of New York, Ms. PELOSI, Mr. LAGOMARSINO, Mr. CAMPBELL of Colorado, Mrs. MORELLA, Mr. WEBER, Mr. INHOFE, Mr. GINGRICH, Mr. DORNAN of California, Mr. LOWERY of California, Mr. FAWELL, Mr. SAXTON, Mr. BLILEY, Mr. SIKORSKI, Mr. HYDE, Mr. CLINGER, Mr. HALL of Ohio, Mr. WEISS, Mr. LANCASTER, and Mr. RIDGE):

H. Con. Res. 113. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of reeducation camp detainees; to the Committee on Foreign Affairs.

By Mr. WYDEN:

H. Con. Res. 114. Concurrent resolution expressing the sense of the Congress that amounts in the section 312 housing rehabilitation loan fund should not be transferred for other uses and that the fund should be restored to the balance that would have existed if amounts had not been transferred from the fund by the fiscal year 1989 appropriation act for the Department of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII,

79. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to ensuring full citizens' rights of Maine veterans who bore arms in defense of the United States and kept faith the Constitution; referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LAUGHLIN:

H.R. 2298. A bill for the relief of River Publishers, Inc. of Wharton, TX; to the Committee on the Judiciary.

By Mr. ANDERSON:

H. Con. Res. 111. Concurrent resolution commending the Flying Tigers for nearly 50 years of service to the United States; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions:

H.R. 8: Mr. SPENCE, Mr. McDERMOTT, Mr. MINETA, Mr. COUGHLIN, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. SMITH of New Hampshire, and Mr. SAVAGE.

H.R. 19: Mr. MOODY, Mr. WAXMAN, Mr. HASTERT, and Mr. BILIRAKIS.

H.R. 22: Mr. SPENCE.

H.R. 30: Mr. LEVINE of California, Mr. ROSE, Mr. CARPER, Mr. McMILLEN of Maryland, Mr. SWIFT, Mr. PEPPER, and Mr. BOSCO.
H.R. 45: Mr. PANETTA and Mr. MATSUI.
H.R. 58: Mr. JAMES and Mr. EDWARDS of Oklahoma.

H.R. 60: Mr. HERGER, Mr. RAY, Mr. BURTON of Indiana, Mr. HILER, Mr. JAMES, Mr. BARTLETT, and Mr. STANGELAND.

H.R. 63: Mr. PASHAYAN, Mrs. ROUKEMA, Mr. RAVENEL, Mr. SMITH of Texas, Mr. SCHIFF, Mrs. BYRON, and Mr. LOWERY of California.

H.R. 89: Mr. LIPINSKI and Mr. REGULA.
H.R. 90: Mr. FUSTER and Mr. ROBINSON.
H.R. 101: Mr. MATSUI and Mr. CAMPBELL of Colorado.

H.R. 145: Mr. ENGEL and Mr. McHUGH.
H.R. 181: Mr. COX and Mr. MACTHLEY.
H.R. 212: Mr. SAVAGE.

H.R. 215: Mr. SMITH of New Hampshire, Mr. McMILLEN of Maryland, and Mr. GINGRICH.

H.R. 285: Mr. WHEAT, Mr. MRAZEK, Mr. KOLTER, and Mr. RINALDO.

H.R. 293: Mr. LaFALCE.
H.R. 343: Ms. SNOWE.
H.R. 362: Mr. PURSELL.

H.R. 514: Mr. STUDDS.
H.R. 567: Mrs. COLLINS, Mr. LIPINSKI, and Mr. LEWIS of Georgia.

H.R. 581: Mrs. COLLINS, Mr. LENT, Mr. MARKEY, Mr. BOEHLERT, Mr. SCHAEFER, Mr. MAVROULES, Mr. DE LUGO, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. McHUGH, and Mr. FROST.

H.R. 582: Mr. WISE.
H.R. 586: Mr. LEWIS of Georgia.
H.R. 624: Mr. LAGOMARSINO.

H.R. 638: Mr. AKAKA, Mr. CHAPMAN, Mr. LIPINSKI, Mr. OWENS of New York, Mr. ROE, Mr. CLAY, Mr. KOLTER, and Ms. SLAUGHTER of New York.

H.R. 655: Mr. PANETTA.
H.R. 664: Mr. MONTGOMERY, Mr. SCHUETTE, Mr. EDWARDS of Oklahoma, and Mr. GLICKMAN.

H.R. 669: Mr. WEISS.
H.R. 711: Mr. SLATTERY, Mr. HOAGLAND, Mr. STUDDS, Mr. SIKORSKI, Mr. ROBINSON, and Mr. GORDON.

H.R. 719: Mr. GILLMOR, Mr. PETRI, Mr. PASHAYAN, Mr. PARRIS, Mr. WEBER, Mr. DYMALLY, Mr. CHANDLER, Mr. BROWN of Colorado, Mr. GREEN, Mr. WILSON, Mr. McEWEN, Mr. FRENZEL, Mr. RAY, Mr. DANNEMEYER, Mr. LAGOMARSINO, and Mr. DORNAN of California.

H.R. 720: Mr. FRENZEL, Mr. PICKETT, Mr. FORD of Tennessee, Mr. CAMPBELL of California, Mr. CAMPBELL of Colorado, Mr. JOHNSTON of Florida, Mr. MACTHLEY, Mr. LEWIS of Georgia, and Mr. BATES.

H.R. 725: Mr. PALLONE and Mr. WAXMAN.
H.R. 747: Mr. ARCHER, Mr. PICKETT, Mr. HANCOCK, Mr. SMITH of New Jersey, Mr. CLEMENT, Mr. SANGMEISTER, and Mr. FLORIO.
H.R. 791: Mr. DWYER of New Jersey, Mr. WILSON, Mr. GUNDERSON, Mr. McEWEN, Mr. PORTER, Mr. WISE, Mr. KOLTER, Mr. LEWIS of Georgia, Mr. FAUNTROY, Mr. DELLUMS, Mr. WALSH, Mr. ANNUNZIO, Mr. KILDEE, and Ms. PELOSI.

H.R. 799: Mr. NAGLE and Mr. FAUNTROY.
H.R. 800: Mr. DORGAN of North Dakota, Mr. CLAY, Mr. GARCIA, Mr. FRANK, Mr. KILDEE, Mr. EDWARDS of California, and Mr. ACKERMAN.

H.R. 812: Mr. WYDEN, Mr. WILLIAMS, and Mr. JOHNSON of South Dakota.

H.R. 813: Mr. KILDEE.

H.R. 854: Mr. RAHALL, Mr. MARTINEZ, Mr. WILLIAMS, Mr. FOGLIETTA, Mr. HOPKINS, Mr. FEIGHAN, Mr. HAMILTON, Mr. KILDEE, Mr. MRAZEK, Mr. LANCASTER, and Mr. ACKERMAN.

H.R. 895: Mr. CRAIG.

H.R. 908: Mr. BATES.

H.R. 917: Mr. RINALDO, Ms. KAPTUR, Mr. SIKORSKI, Mr. CONYERS, and Mr. VENTO.

H.R. 970: Mr. MFUME.

H.R. 979: Mr. SOLOMON, Mr. JONES of North Carolina, Mr. CHAPMAN, Mr. POSHARD, Mr. SISISKY, Mr. TALLON, Mr. LEVINE of California, Mr. BOSCO, Mr. STARK, Mr. BOUCHER, and Mr. FLAKE.

H.R. 985: Mr. CHANDLER.

H.R. 995: Mr. PRICE.

H.R. 1029: Mr. DeFAZIO.

H.R. 1040: Mr. TORRES, Mr. PARRIS, Mr. STANGELAND, and Mr. CLEMENT.

H.R. 1048: Mr. ATKINS, Mr. CARDIN, Mr. SAVAGE, and Mr. MACTHLEY.

H.R. 1074: Mr. TOWNS, Mr. STOKES, Mr. McCOLLUM, Mr. WYDEN, and Mr. DONNELLY.

H.R. 1078: Mr. FEIGHAN, Mr. MOAKLEY, and Mr. HORTON.

H.R. 1079: Mrs. MEYERS of Kansas and Mr. HASTERT.

H.R. 1112: Mr. PEPPER.

H.R. 1117: Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mrs. COLLINS, and Mr. ACKERMAN.

H.R. 1129: Mr. KOLBE, Mr. MARTINEZ, Mr. PERKINS, Mr. JOHNSON of South Dakota, and Mr. LEWIS of Georgia.

H.R. 1134: Mr. DE LUGO and Mr. PALLONE.

H.R. 1180: Mr. STOKES.

H.R. 1185: Mr. BOEHLERT.

H.R. 1199: Mr. JOHNSON of South Dakota, Mr. BILIRAKIS, and Mr. FOGLIETTA.

H.R. 1200: Mr. CLINGER, Mr. PICKETT, Mr. HYDE, Ms. SLAUGHTER of New York, Mr. ALEXANDER, Mr. DICKS, Mr. SOLARZ, Mr. WEBER, Mr. WALSH, Mr. SAXTON, Mr. SCHEUER, Mr. WHEAT, Mr. WISE, Mr. LEHMAN of California, Mr. PERKINS, Mr. STANGELAND, Mr. CLEMENT, Mr. CLAY, Mr. SYNAR, Mr. SPENCE, Mr. BUNNING, Mr. KASTENMEIER, Mr. HERTEL, Mr. COELHO, Mr. PRICE, Mr. BURTON of Indiana, Mr. IRELAND, Mr. VALENTINE, and Mr. BORSKI.

H.R. 1216: Mr. WOLPE, Mr. DYMALLY, Mr. CHAPMAN, Mr. DARDEN, Mr. SARPALIUS, Mr. HAMILTON, Mr. DORGAN of North Dakota, Mr. ATKINS, Mr. YATES, Mr. RINALDO, Mr. SLATTERY, Ms. SCHNEIDER, Mr. MADIGAN, Mr. WISE, Mr. HOUGHTON, Mr. CROCKETT, Mr. HENRY, Mr. HORTON, Mr. CLEMENT, Mr. DeFAZIO, Mr. HOCHBRUECKNER, Mr. RANGEL, Mr. SIKORSKI, Mr. OWENS of New York, and Mrs. LOWEY of New York.

H.R. 1235: Mr. DWYER of New Jersey.

H.R. 1243: Mr. BROWDER, Mr. COELHO, Mr. CHAPMAN, Mr. HALL of Ohio, Mr. PICKLE, Mr. VOLKMER, Mr. TANNER, Mr. BRYANT, Mr. ANTHONY, Mr. DARDEN, and Mr. CLINGER.

H.R. 1287: Mr. HANCOCK.

H.R. 1289: Mr. RANGEL, Mr. SPENCE, Mr. LANTOS, Mr. KOLTER, and Mrs. KENNELLY.

H.R. 1292: Mr. DONNELLY.

H.R. 1304: Mr. GUNDERSON.

H.R. 1317: Mr. MATSUI, Mr. WHITTAKER, and Mr. SMITH of New Hampshire.

H.R. 1337: Mr. JACOBS, Mr. SCHNEIDER, Mr. WALGREN, and Mr. WAXMAN.

H.R. 1382: Mr. LEWIS of Georgia.

H.R. 1400: Mr. McDADE, Mr. CRAIG, Mr. STUDDS, Mr. LIGHTFOOT, Mr. MILLER of Ohio, Mr. FAWELL, Mr. DICKINSON, Mr. ROWLAND of Georgia, Mr. MOLINARI, Mr. GILMAN, Mr. FAUNTROY, Mr. STAGGERS, Mr. GARCIA, Mr. DONALD E. LUKENS, Mr. SPENCE, Mr. LaFALCE, Mr. GREEN, Mr. KOLTER, Mr. TRAFICANT, Mr. FRANK, Mr. BAKER, Mr. HUTTO, Mr. OWENS of New York, Mr. JAMES, Mr. NIELSON of Utah, Mr. TAUZIN, Mr. STUMP, Mr. MORRISON of Connecticut, Mr. ROWLAND of Connecticut, Mr. OLIN, Mr. DE LUGO, Mr. McMILLEN of Mary-

land, Mr. PICKLE, Mr. HATCHER, Mr. LANCASTER, and Mr. PARKER.

H.R. 1417: Mr. ATKINS, Mr. KILDEE, Mr. KOLTER, Mr. OBERSTAR, and Mr. PANETTA.

H.R. 1425: Mr. LEWIS of Georgia.

H.R. 1475: Mr. McEWEN, Mr. COURTER, Mr. CAMPBELL of Colorado, Mr. PORTER, Mr. INHOFE, Mr. McCREERY, Mrs. VUCANOVICH, Mr. LEWIS of Georgia, Mr. DOUGLAS, and Mr. CRANE.

H.R. 1525: Mr. TOWNS, Mr. STAGGERS, Mr. MARTINEZ, Mr. PERKINS, and Mr. OWENS of New York.

H.R. 1529: Mr. EMERSON and Mr. COLEMAN of Missouri.

H.R. 1587: Mr. STAGGERS.

H.R. 1601: Mr. BROOMFIELD and Mr. BROWN of Colorado.

H.R. 1605: Mr. LEHMAN of California, Mr. DORNAN of California, Mr. LOWERY of California, and Mr. CHANDLER.

H.R. 1617: Mr. ARMEY, Mr. ATKINS, Mrs. BOXER, Mrs. COLLINS, Mr. DYMALLY, Mr. GALLEGLY, Mr. HENRY, Mr. HERTEL, Mr. HORTON, Mr. KOLTER, Mr. LANCASTER, Mr. SISISKY, Mr. SMITH of New Jersey, and Mr. UPTON.

H.R. 1662: Mr. BRYANT and Mr. DOUGLAS.
H.R. 1746: Mr. BATES, Mr. PEPPER, and Mr. ACKERMAN.

H.R. 1865: Mr. BEVILL.

H.R. 1869: Mr. PICKLE.

H.R. 1870: Mr. MADIGAN.

H.R. 1875: Mr. ARMEY, Mr. BROWN of California, Mr. CHAPMAN, Mr. HERTEL, Mr. DENNY SMITH, and Mr. WILSON.

H.R. 1931: Mr. JONTZ.

H.R. 1935: Mr. OBEY, Mr. SLATTERY, Mr. LANCASTER, Mr. CAMPBELL of Colorado, Mrs. BOXER, and Mr. ACKERMAN.

H.R. 1957: Mr. GALLO, Mr. HOUGHTON, and Mr. RHODES.

H.R. 2021: Mr. LIVINGSTON, Mrs. MARTIN of Illinois, Mrs. LLOYD, Mr. FROST, Mr. BATES, and Mr. STALLINGS.

H.R. 2044: Mr. WILLIAMS, Mr. LEWIS of Georgia, Mr. SAVAGE, Mr. LANCASTER, Mr. MORRISON of Connecticut, and Mr. BURTON of Indiana.

H.R. 2051: Mr. LEVINE of California, Mrs. BOXER, Mr. MRAZEK, and Mr. LEWIS of Georgia.

H.R. 2086: Mr. FAUNTROY, Mr. ROBINSON, Mr. BILBRAY, and Mr. STARK.

H.R. 2110: Mr. McCOLLUM, Mr. SMITH of Mississippi, Mr. DREIER of California, Mr. COSTELLO, and Mr. DOUGLAS.

H.R. 2112: Mr. FASCELL, Mr. HUNTER, and Mr. PARKER.

H.R. 2121: Mr. OLIN, Mr. GORDON, Mr. WEBER, Mr. McDADE, Mr. FAUNTROY, Mr. DORNAN of California, Mr. GOODLING, Mr. PRICE, Mr. FRENZEL, Mr. PENNY, and Mr. ROWLAND of Georgia.

H.R. 2145: Mr. BILIRAKIS, Mr. HOUGHTON, Mr. ENGEL, Mr. FLIPPO, Mr. HENRY, Mr. NELSON of Florida, Mr. SIKORSKI, Mr. LIGHTFOOT, Mr. JONES of Georgia, Mr. RINALDO, Mr. MILLER of Washington, Mr. WAXMAN, Mr. OWENS of Utah, Mr. BROWN of Colorado, Mrs. MARTIN of Illinois, Mr. BUECHNER, Mr. SCHEUER, Mr. LAGOMARSINO, Mr. YATRON, Mr. DORGAN of North Dakota, and Mr. McHUGH.

H.R. 2217: Mr. FUSTER, Mr. MACHTLEY, Mr. BOUCHER, and Mr. PARKER.

H.R. 2218: Mr. BATES.

H.R. 2237: Mr. DONALD E. LUKENS, Mr. DORNAN of California, Mr. FAWELL, Mr. LAGOMARSINO, and Mr. DWYER of New Jersey.

H.J. Res. 10: Mr. WEISS.

H.J. Res. 46: Mr. WALGREN and Mr. KASTENMEIER.

H.J. Res. 108: Mr. BRUCE and Mr. MORRISON of Connecticut.

H.J. Res. 110: Mr. HERGER.

H.J. Res. 120: Mr. BENNETT, Mr. BROOKS, Mr. FOLEY, Mr. FRANK, Mrs. LLOYD, Mr. MILLER of California, Mr. RUSSO, Mr. SMITH of Iowa, and Mr. STEARNS.

H.J. Res. 123: Mr. DE LUGO, Mr. CONTE, and Mr. HANSEN.

H.J. Res. 131: Mr. HUTTO, Mr. GUARINI, and Mr. WAXMAN.

H.J. Res. 132: Mr. MILLER of California and Mr. STENHOLM.

H.J. Res. 138: Mr. BONIOR, Mr. EVANS, Mr. DE LUGO, Mr. BOUCHER, Mr. STARK, and Mr. FLAKE.

H.J. Res. 160: Mr. GARCIA and Mr. PARKER.
H.J. Res. 188: Mrs. VUCANOVICH.

H.J. Res. 189: Mr. INHOFE.

H.J. Res. 208: Mr. FOGLETTA.

H.J. Res. 228: Mr. WAXMAN, Mr. CROCKETT, Mr. CLARKE, Mr. DARDEN, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. COLEMAN of Missouri, Mr. MAZZOLI, and Mr. ENGLISH.

H.J. Res. 231: Mr. FRENZEL, Mr. RAHALL, Mrs. COLLINS, Mr. MINETA, Mr. GARCIA, Mr. STANGELAND, Mr. BERMAN, Mr. WALSH, Mr. CLAY, Mr. LaFALCE, and Mr. CONYERS.

H.J. Res. 247: Mr. PAYNE of New Jersey, Mr. THOMAS of California, Ms. PELOSI, Mr. GRANT, Mr. HUBBARD, Mrs. BENTLEY, Mr. ROWLAND of Connecticut, Mr. BEREUTER, Mr.

AUCOIN, Mr. BRUCE, Mr. DEWINE, Mr. STARK, Mr. ORTIZ, Mr. GEKAS, Mr. SKAGGS, and Mr. LEWIS of Georgia.

H. Con. Res. 3: Mr. EDWARDS of Oklahoma.
H. Con. Res. 44: Mr. MORRISON of Connecticut.

H. Con. Res. 48: Mr. MACHTLEY.

H. Con. Res. 57: Mr. TRAFICANT, Mr. HUCKABY, Mr. DYMALLY, Mr. FAZIO, Mr. GREEN, Mr. LEVIN of Michigan, Mr. HATCHER, Mr. OWENS of New York, Mr. MATSUI, Mr. HAYES of Illinois, Mr. FALCOMAVAEGA, Mr. DE LUGO, Mr. McCURDY, Mr. ATKINS, Mr. EVANS, Mr. ACKERMAN, Mr. BUSTAMANTE, Mr. DURBIN, Mr. RAHALL, Mr. GUARINI, Mr. ESPY, Mr. HASTER, Mr. GARCIA, Mr. MILLER of Ohio, Mr. PARRIS, Mr. ECKART, Mr. FROST, Mr. FLORIO, and Mr. PENNY.

H. Con. Res. 66: Mr. WALGREN.

H. Con. Res. 87: Mr. GILMAN, Mr. PORTER, Mr. SOLARZ, and Mr. MORRISON of Connecticut.

H. Con. Res. 99: Mr. ACKERMAN, Mr. BOEHLERT, Mr. ENGEL, Mr. GILMAN, Mr. GREEN, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LENT, Mrs. LOWEY of New York, Mr. McGRATH, Mr. McHUGH, Mr. McNULTY, Mr. OWENS of New York, Mr. RANGEL, Mr. SCHEUER, Mr. WALSH, Mr. WEISS, Ms. SLAUGHTER of New York, Mr. GARCIA, Mr. DOWNEY, Mr. TOWNS, Mr. MRAZEK, Mr. SCHUMER, Mr. HOUGHTON, Mr. MANTON, Mr. SOLARZ, Mr. FISH, Mr. MARTIN of New York, and Mr. MOLINARI.

H. Res. 95: Mr. OWENS of New York, Mr. FOGLETTA, and Mr. MACHTLEY.

H. Res. 144: Mr. SOLOMON, Mr. GALLEGLY, Mr. UPTON, Mr. HENRY, Mr. COUGHLIN, Mr. HORTON, Mrs. BENTLEY, Mr. RITTER, Mr. MANTON, and Mr. PENNY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 876: Mr. QUILLEN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

38. The Speaker presented a petition of the Arkansas Legislative Council, Little Rock, AR, relative to the 10th amendment to the U.S. Constitution; which was referred to the Committee on the Judiciary.